
Thursday
October 15, 1981

50779-50916

Highlights

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- 50782 **DIDC** increases interest rate ceiling for nontransaction savings deposits.
- 50782 **FRS** amends short term adjustment credit for depository institutions.
- 50875 **Postal Service** PS issues notice on telecommunications connection arrangements for Electronic Computer Originated Mail Service and invites capacity planning cooperation.
- 50850 **Historic Preservation** GSA develops internal procedures for protection and enhancement of historic and cultural properties.
- 50816 **Trigger Prices—Steel Imports** Commerce/ITA publishes speciality steel imports quarterly review.
- 50788 **Pensions** PBGC establishes interest rates and factors used to value benefits in non-multiemployer plans for the period beginning 11-1-81.
- 50786 **Railroad Retirement** RRB amends regulation to reduce windfall benefits when amount appropriated is insufficient.

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 684, Valencia Orange Regulation 685; Amdt.]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period October 16–October 22, 1981, and increases the quantity of such oranges that may be so shipped during the period October 9–October 15, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective October 16, 1981, and the amendment is effective for the period October 9–15, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a non-major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the

handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V AMS, USDA, Washington, D.C. 20250, telephone 202–227–5975.

The committee met again publicly on October 13, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Section 908.985 is added as follows:

§ 908.985. Valencia Orange Regulation 685.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period October 16, 1981, through October 22, 1981, are established as follows:

- (1) District 1: 500,000 cartons;
- (2) District 2: Unlimited cartons;
- (3) District 3: Unlimited cartons.

2. Section 908.984 Valencia Orange Regulation 684 (46 FR 49827), is hereby amended to read:

§ 908.984 Valencia Orange Regulation 684.

- (1) District 1: 500,000 cartons;
- (2) District 2: Unlimited cartons;
- (3) District 3: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 14, 1981.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc. 81–30107 Filed 10–14–81 11:35 am]

BILLING CODE 3410–02–M

7 CFR Part 1079

[Milk Order No. 79]

Milk in the Iowa Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action for the Iowa Federal milk marketing order suspends the limit on how much milk not needed for fluid (bottling) use may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. Based on available information concerning the market's current supply conditions, it is necessary to suspend the provisions in question to accommodate the efficient and orderly disposition of reserve milk supplies that are available to the

market. The suspension is for the months of October and November 1981.

EFFECTIVE DATE: October 15, 1981.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued September 18, 1981; published September 23, 1981 (46 FR 46959).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

Also, it has been determined that the need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the completion of the procedure in time to give interested parties timely notice that the limitation on the amount of milk that may be moved directly from producer farms to nonpool manufacturing plants for October 1981 would be modified. The initial request for the action was received September 10, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for dairy farmers regularly associated with the market.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Iowa marketing area.

Notice of proposed rulemaking was published in the Federal Register (46 FR 46959) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views and arguments thereon. One comment was received in favor of the proposed suspension and one comment opposed the proposed suspension.

PART 1079 [Amended]

After considering all relevant material, including the proposal in the aforesaid notice, the comments filed and other available information, it is hereby found and determined that for the months of October and November 1981 the following provisions of the order do not tend to effectuate the declared policy of the Act:

§ 1079.13 [Amended]

In § 1079.13(d) (2) and (3) the words "through November" as they appear in each subparagraph.

Statement of Consideration

This action makes inoperative for October and November 1981 certain provisions limiting the amount of producer milk that a cooperative association or other handlers may divert from farms directly to nonpool manufacturing plants. The present order provides that a cooperative association may divert up to 50 percent of its total member milk delivered to all pool plants or diverted from them during the months of September through November and up to 70 percent during all other months. Similarly, the operator of a pool plant may divert during the months of September through November up to 50 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) and up to 70 percent during all other months. The suspension would increase the diversion limitation for the months of October and November 1981 from 50 percent to 70 percent for cooperative associations and operators of pool plants.

Land O' Lakes, Inc., a cooperative association of producers, requested the suspension of the 50 percent limitation on diversions for October and November 1981. The cooperative stated that the amount of producer milk pooled on the market had increased significantly in 1981 over 1980 while Class I sales had not increased as much. The proponent stated that the suspension of the 50 percent limit and the retention of the 70 percent diversion limitation still would require the receipt of 30 percent of all milk supplies at pool plants, assuring the availability of milk for fluid use. The cooperative stated that the suspension of the 50 percent diversion limitation would allow for more efficient means of handling the reserve supplies of milk in the Iowa market.

Interested parties were given an opportunity to submit written data, views and arguments concerning the proposed suspension. Land O' Lakes, in

its comments, supported the action on the basis that it would facilitate the orderly and economic disposition to nonpool manufacturing plants of an increasing supply of milk above fluid requirements. The proponent stated that the suspension would allow an additional 3 million pounds of milk each month to move directly from farms of its members to nonpool manufacturing facilities. Also, the proponent cited the savings in other costs that could be achieved if the suspension were granted, e.g., trucks could be routed more efficiently and less product would be lost due to the elimination of unloading at a pool plant and then transferring the milk to other locations.

A cooperative association of producers opposed the suspension on the basis that it would result in the pooling of more unneeded milk on the Iowa order. It stated that this additional milk would result in lowering the blend price for its members who have been on the Iowa order for a long time.

The basis for the suspension action is an increase in production by dairy farmers who supply milk to handlers regulated under the Iowa order. For the first eight months of 1981, producer receipts for the market were about 16 percent greater than for the same months in 1980, while pounds of pooled Class I milk were 6 percent more than for the comparable period last year. From the market data available, it is estimated that for the months of October and November 1981 pooled producer milk will be greater than the same period last year while the volume of pooled Class I milk for the market will not increase as much. With the increase in milk production not matched by a similar increase in pooled Class I sales, a greater quantity of milk will have to be diverted to nonpool manufacturing plants. Without the suspension of the 50 percent limitation on the amount of milk that can be moved directly from farms to manufacturing plants, uneconomic movements of milk would be made solely for the purpose of pooling the milk of dairy farmers who have regularly been associated with the Iowa market.

The purposes of the suspension are to insure that those producers who have been regularly supplying the Iowa market continue to share in the higher-valued fluid sales of the regulated market and to promote the efficient and orderly marketing of milk in the Iowa market. This temporary suspension would assure continued pooling for the milk of producers who have been supplying the market and would not necessarily encourage additional

producers to be added to the Iowa market. It is concluded that the supply-demand conditions in the market warrant a suspension of the 50 percent diversion limitation for the months of October and November 1981.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without this action uneconomic movements of milk would be made solely for the purpose of pooling the milk of dairy farmers who have regularly been associated with the Iowa market;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date;

(c) This suspension order is the only practical means to alleviate a current marketing problem; and

(d) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the Federal Register.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of October and November 1981.

Effective Date: October 15, 1981.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Signed at Washington, D.C., on October 8, 1981.

John Ford,
Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-23798 Filed 10-14-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 150

NRC's Jurisdiction Over Persons Using Byproduct, Source or Special Nuclear Materials in Certain Offshore Waters; Corrections

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; corrections.

SUMMARY: The Commission is publishing two minor corrections to its amendment regarding NRC's jurisdiction in certain offshore waters that appear in

the Federal Register on September 3, 1981 (46 FR 44149).

EFFECTIVE DATE: October 15, 1981.

SUPPLEMENTARY INFORMATION: In a Federal Register notice published in September 1981 (46 FR 44149), in 10 CFR 150.20(b)(1) the clause beginning with "Provided, however" and the remainder of the paragraph were inadvertently omitted. Further, in 10 CFR 150.20(b)(3) the end mark should have been a semicolon.

This document publishes the corrected text as follows:

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

1. Section 150.20(b)(1) is revised to read:

§ 150.20 Recognition of Agreement State licenses.

* * * * *

(b) * * *

(1) Except as specified in paragraph (c) of this section, shall, at least three days before engaging in each such activity, file four copies of Form NRC-241 (revised), "Report of Proposed Activities in Non-Agreement States," and four copies of its Agreement State specific license with the Director of the Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix D of Part 20 of this chapter for the region in which the Agreement State that issued the license is located. That Director may authorize the licensee to begin the activity upon notification by telephone of the licensee's intent to conduct the proposed activity under the general license: *Provided, however*, That four copies of Form NRC-241 (revised) and four copies of the Agreement State license shall be filed within three days after the telephone notification. The Director of the Nuclear Regulatory Commission Inspection and Enforcement Regional Office may waive the requirement for filing additional Forms NRC-241 (revised) during the remainder of the calendar year following the receipt of the initial Form NRC-241 (revised) from a person engaging in activities under the general license provided in this section:

* * * * *

2. Section 150.20(b)(3) is revised as follows:

§ 150.20 Recognition of Agreement State licenses.

* * * * *

(b) * * *

(3) Shall not, under the general license concerning activities in Non-Agreement States, possess or use radioactive materials, or engage in the activities authorized in paragraph (a) of this section, for more than 180 days in any calendar year, *except* that, the general license in paragraph (a) of this section concerning activities in offshore waters authorizes that person to possess or use radioactive materials, or engage in the activities authorized, for an unlimited period of time;

Dated at Bethesda, Md., this 1st day of October 1981.

For the Nuclear Regulatory Commission,
E. Kevin Cornell,

Acting Executive Director for Operations.

[FR Doc. 81-29908 Filed 10-14-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 201

Extensions of Credit by Federal Reserve Banks; Changes in Discount Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended its Regulation A, "Extensions of Credit by Federal Reserve Banks," for the purpose of reducing the discount rate surcharge that applies to large, frequent borrowers at the discount window. No change was made in the basic discount rate of 14 per cent. This action was taken within the context of the continuing policy of the Federal Reserve to restrain growth in money and credit.

EFFECTIVE DATE: The change was effective on September 21, 1981.

FOR FURTHER INFORMATION CONTACT:

James McAfee, Assistant Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3259).

SUPPLEMENTARY INFORMATION: Pursuant to the authority of 5 U.S.C. 553(b)(3)(B) and (d) (3), these amendments are being published without prior general notice of proposed rulemaking, public participation, or deferred effective date. The Board has for good cause found that current economic and financial considerations required that these amendments must be adopted immediately.

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357) Part 201 is amended as set forth below:

§ 201.51 [Amended]

1. Section 201.51 is amended in the last sentence by removing "4 per cent" and inserting in lieu thereof "3 per cent".

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors,
October 7, 1981.

James McAfee,
Assistant Secretary of the Board.

[FR Doc. 81-29793 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D-0021]

Adjustment of Interest Rates on Savings Accounts

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rule.

SUMMARY: The Depository Institutions Deregulation Committee (the "Committee") has adopted a final rule that will increase, by 50 basis points, the ceiling rate of interest payable on nontransaction savings deposits. Accordingly, commercial banks will be permitted to pay interest on savings deposits not subject to transaction capability at a rate of 5½ percent, and savings and loan associations and mutual savings banks will be permitted to pay 6 percent on such accounts. This action was taken pursuant to the Committee's directive, under the Depository Institutions Deregulation Act of 1980, to provide for the orderly phaseout and ultimate elimination of interest rate ceilings on deposits and accounts as rapidly as economic conditions warrant.

EFFECTIVE DATE: November 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Allan Schott, Attorney-Advisor, or Elaine Boutilier, Attorney-Advisor, Department of the Treasury, (202) 566-6798 or 566-8737; Daniel L. Rhoads, Attorney, Board of Governors of the Federal Reserve System, (202) 452-3711; Rebecca H. Laird, Senior Associate General Counsel, Federal Home Loan Bank Board, (202) 377-6446; David Ansell, Attorney, Office of the Comptroller of the Currency, (202) 447-1880; Randall J. Miller, Jr., Acting

Director, Office of Policy Analysis, National Credit Union Administration, (202) 357-1090; and F. Douglas Birdzell, Counsel, or Kathy A. Johnson, Attorney, Federal Deposit Insurance Corporation, (202) 389-4324 or 389-4384.

SUPPLEMENTARY INFORMATION: Congress has directed that the Committee provide for the orderly phaseout and ultimate elimination of interest rate ceilings on deposits and accounts as rapidly as economic conditions warrant. (12 U.S.C. 3503(a)). As part of its interest rate deregulation efforts, the Committee is required to vote on whether to increase the limitations on the maximum rates applicable to passbook and similar savings accounts. The Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96-221, 12 U.S.C. 3501 *et seq.*) (the "Act") specifies that a vote on whether to increase the rate on passbook and similar savings accounts by at least ¼ percent shall be taken by no later than September 30, 1981. (12 U.S.C. 3504(a)).

The Committee considered action to increase savings deposit rate ceilings on several occasions in the past. At its September 9, 1980 meeting, the Committee voted to set interest rate ceilings on all negotiable order of withdrawal (NOW) and automatic transfer service (ATS) accounts at 5¼% to be effective on December 31, 1980. One option under consideration at that time was a 25 basis point increase in nontransaction savings deposit (regular passbook and statement savings account) rate ceilings in order to create a differential between transaction and nontransaction savings accounts at commercial banks.¹ Due to cost implications from such a move, the Committee declined to increase savings deposit rate ceilings but announced that it would be its policy to establish a transaction/nontransaction savings account differential as soon as it

¹ In the Committee's previous discussions, transaction savings accounts were defined as those savings accounts subject to transaction account reserve requirements under the Federal Reserve's Regulation D. (12 CFR 204.2(e)). Such accounts include: all negotiable order of withdrawal accounts (NOWs); all credit union share draft accounts (CUSDs); all savings accounts subject to automatic transfers (ATS); savings accounts that permit more than three transfers per month through telephone transfers (TTS) or pre-authorized nonnegotiable transfers (PNTS); and all savings accounts that permit payments to third parties by means of an automated teller machine (ATM), remote service unit (RSU), or other electronic device. Nontransaction savings accounts would then be defined as all savings accounts with the exception of those mentioned above. It should be noted that the National Credit Union Administration Board has sole authority to set interest rate ceilings on deposits at Federally chartered credit unions.

became feasible to increase rate ceilings on nontransaction savings accounts.

Given the September 30, 1981 deadline for voting on whether to raise the rates applicable to passbook and similar savings accounts by at least one fourth of one percentage point, the Committee decided at its June 25, 1981 meeting to seek public comment to guide it in its deliberations (45 FR 36864). One proposal suggested at the meeting was a plan to increase the rate ceilings on savings deposits by 5 percentage points to 10¼ percent and 10½ percent for commercial banks and thrift institutions, respectively. In addition, the Committee specifically asked for comments on the following questions:

1. Should the interest rates payable on passbook savings accounts be increased and, if so, to what level?

2. Should the rates on ATS (Automatic Transfer Service) and NOW (Negotiable Order of Withdrawal) accounts also be adjusted?

3. What would be the impact of rate adjustments, such as a five percentage point or lesser increase, with regard to the earnings and cost to depository institutions? Responses should address long run, as well as immediate effects on depository institutions.

4. Any other comments or observations on this matter that would provide guidance to the Committee.

The Committee received a total of 4,571 comments. The largest proportion of respondents favored a 5 percentage point increase in the savings deposit rate ceiling. The bulk of support for this position came from retirees and associations of retired people. They noted that the current 5¼ percent and 5½ percent rate ceilings are unrealistically low in today's economic environment. Among depository institutions, however, support for such a proposal was limited.

Indeed, 94% of the thrift institutions favored no savings deposit rate change. Although 53% of commercial banks favored some rate increase, support for a 5 percentage point or some other substantial change was relatively small. Those respondents opposing any rate ceiling increase cited cost consequences as their primary objection. This group felt that any savings deposit rate ceiling adjustment would be inappropriate at this time since it would substantially increase costs without significantly improving deposit flows. Those commercial banks and bank trade associations favoring an intermediate (¼ to 3¼ percentage points) increase in the savings deposit rate ceiling felt that a one-time 5 percentage point increase would be too drastic and preferred a more gradual increase.

Some commercial banks, bank trade associations, and federal agencies indicated that some savings deposit/NOW account interest rate differential is necessary to create a distinction between interest-bearing transaction and nontransaction savings accounts. This would be desirable for monetary policy considerations and, in addition, it would encourage NOW account or other transaction account holders to channel excess balances into savings accounts which have lower or no reserve requirements.

In considering the issue of raising the rate ceilings on savings deposits, the Committee has considered the impact of this action on the safety and soundness of depository institutions. The net cost or benefit of a plan to increase substantially savings deposit rate ceilings depends heavily upon the difference between savings deposit flows which would occur without any change in rate ceilings and the flows that would materialize if savings deposit rates are increased. Such flows were difficult to estimate because historical data provided little insight. In addition, commentators provided minimal information on specific flows that could result from such changes. However, public responses, particularly those thrift institutions, indicated that the impact on deposit flows would not be sufficient to offset the increased interest expense.

At its meeting on September 22, 1981, the Committee, having considered the above comments, voted to increase the present nontransaction savings deposit rate ceilings by 50 basis points, to 5¼ percent for commercial banks and 6 percent for thrift institutions. The Committee believes that this action furthers the intent of the Act to provide increased rates of return to savers and to proceed with the deregulation of interest rate ceilings, consistent with the safety and soundness of depository institutions.

It should be noted that this rate ceiling increase only applies to nontransaction savings deposits which are the regular passbook and statement savings accounts. The interest rate ceilings on transaction accounts will remain the same, resulting in a rate differential between transaction and nontransaction savings accounts. It is expected that this differential will aid in the interpretation of movements in monetary aggregates and, in addition, may have a beneficial impact on depository institutions by encouraging a shift in funds from transaction accounts into savings deposits subject to a lower or zero reserve requirement.

The following table sets forth the interest rate ceilings which will be in effect on November 1, 1981 for all savings deposits:

| Type of account ¹ | Ceiling rate at commercial banks | Ceiling rate at thrift institutions |
|------------------------------|----------------------------------|-------------------------------------|
| Nontransaction savings | 5¼ | 6 |
| NOW | 5¼ | 5¼ |
| ATS | 5¼ | 5¼ |
| TTS | 5¼ | 5½ |
| PNTS | 5¼ | 5½ |
| ATM | 5¼ | 5½ |
| RSU | 5¼ | 5½ |

¹ For further clarification of the types of accounts listed, see footnote 1.

The Committee has considered the proposal to increase savings deposit rate ceilings in terms of its impact on small entities, as required by the Regulatory Flexibility Act (5 U.S.C. 601-612). The Regulatory Flexibility Act defines "small entities" as small businesses, small nonprofit organizations, and small governmental jurisdictions. (5 U.S.C. 601). In this regard the Committee's action does not impose any new regulatory burden or additional reporting or record keeping requirements. Rather, this action eases the regulatory restrictions on the maximum interest rates payable on nontransaction savings deposits on November 1, 1981. While the increase in the rate ceilings on nontransaction savings deposits will likely result in increased costs to depository institutions, it is anticipated that an increase in the rate ceilings at this time will assist small depository institutions in adjusting to the ultimate lifting of all interest rate ceilings in 1986. Small entities that are depositors generally should benefit from the Committee's action since they will be able to earn higher interest on their nontransaction savings deposits.

Because the Committee's action alleviates a restriction, deferral of the effective date pursuant to 5 U.S.C. 553(d) is not necessary. Furthermore, because of the public nature of the meeting at which the increase in the rate ceilings was adopted and the press release issued eight days following that meeting, adequate notice of the Committee's action has been given to the public. Accordingly, the Committee finds that good cause exists under § 1201.6(e) of the Committee's regulations for making the effective date less than 30 days from date of publication in the Federal Register.

PART 1204—INTEREST ON DEPOSITS

For the reasons set out in the preamble, Part 1204, Chapter XII, of Title

12, *Code of Federal Regulations*, is amended as set forth below.

1. The authority citation for Part 1204 is revised to read as follows:

Authority: Secs. 203, 204, and 205, Title II, Pub. L. 96-221, 94 Stat. 142 and 143 (12 U.S.C. 3502, 3503, and 3504).

2. In Part 1204, a new § 1204.117 is added to read as follows:

§ 1204.117 Maximum rates of interest payable on nontransaction savings deposits.

(a) For the purposes of this section, "nontransaction savings deposits" shall include all savings deposits (as defined in 12 CFR 217.1(e) and 329.1(e)) held at commercial banks and mutual savings banks, and regular accounts (as defined in 12 CFR 526.1(d)) held at savings and loan associations, that are not "transaction accounts" under Regulation D of the Board of Governors of the Federal Reserve System (12 CFR 204.2(e)).

(b) A commercial bank may pay interest on any nontransaction savings deposit at a rate not to exceed 5% percent per annum.

(c) A mutual savings bank or savings and loan association may pay interest on any nontransaction savings deposit at a rate not to exceed 6 percent per annum.

By order of the Committee, October 9, 1981.
Steven L. Skancke,
Executive Secretary.

[FR Doc. 81-29836 Filed 10-14-81; 8:45 am]
BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-SO-43]

Designation of Transition Area, Clanton, Alabama

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates the Clanton, Alabama, Transition Area. A standard instrument approach procedure has been developed for the Gragg-Wade Field Airport. Controlled airspace is required to protect the aircraft Instrument Flight Rule (IFR) operations and must be designated before IFR flight procedures can become effective.

EFFECTIVE DATE: 0901 GMT, November 28, 1981.

FOR FURTHER INFORMATION CONTACT:

James G. Walters, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, August 6, 1981 (46 FR 40032), the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Clanton, Alabama, 700-foot Transition Area. This action adopts the proposal and thereby provides controlled airspace protection for aircraft Instrument Flight Rule (IFR) operations at the Gragg-Wade Field Airport. The proposed Gragg-Wade NDB (nonfederal, nondirectional beacon) will support the NDB Runway 26 standard instrument approach procedure. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations lowers the base of controlled airspace from 1,200 to 700 feet in the vicinity of the Gragg-Wade Field Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 GMT, November 28, 1981, as follows:

Clanton, Alabama

That airspace extending upward from 700 feet above the surface within a six-mile radius of Gragg-Wade Field Airport (Lat. 32°51'02" N., Long. 86°36'42" W.); within three miles each side of the 090° bearing from the Gragg-Wade RBN (Lat. 32°51'11" N., Long. 86°36'40" W.), extending from the six-mile radius area to 8.5 miles east of the RBN;

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant

economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on October 1, 1981.

George R. LaCaille,
Acting Director, Southern Region.

[FR Doc. 81-29837 Filed 10-14-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-19]

Alteration of Control Zone; Michigan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to revoke the controlled airspace near Sault Ste. Marie, Michigan, that was associated with the Sault Ste. Marie, Michigan Municipal Airport Control Zone. The control zone is no longer needed for air traffic control purposes and the effect of this action is to revert the affected airspace to a non-controlled status.

EFFECTIVE DATE: November 28, 1981.

FOR FURTHER INFORMATION CONTACT:

Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: This action is to revoke the designated airspace associated with Sault Ste. Marie Municipal Airport and to eliminate the control zone description for Sault Ste. Marie Municipal Airport as it is now published.

Discussion of Comments

On page 38929 of the Federal Register dated July 30, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the control zone near Sault Ste. Marie, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority

delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 26, 1981, as follows:

In Section 71.171 (46 FR 455), the following control zone is amended to read:

Sault Ste. Marie, Michigan (Municipal Airport)

Revoked

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal, and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on September 28, 1981.

Carl B. Schellenberg,

Acting Director, Great Lakes Region.

[FR Doc. 81-29635 Filed 10-14-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 81-AEA-11]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Special Use Airspace; Amendment to Restricted Area R-6602 Fort Pickett, VA

Correction

In FR Doc. 81-28439 appearing at page 48132 in the issue for Thursday, October 1, 1981, please make the following correction:

On page 48133, in the center column, in the boundary description for Fort Pickett, VA, in the eleventh line from the top of the column, "lat. 37°01'55" N.," should have read "lat. 37°01'50" N.,."

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Texas—9 Addition); Order 180]

High-Cost Gas Produced From Tight Formations; Final Rule

October 8, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that an additional area of the Travis Peak Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Walter Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

The Commission hereby amends § 271.703(d) of its regulations to include an additional area of the Travis Peak Formation in Texas as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPR, issued July 24, 1981 (46 FR 38935, July 30, 1981) ¹ based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c) that an additional area of the Travis Peak be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the Travis Peak Formation meets the guidelines contained in § 271.703(c)(2). The

¹ Comments were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

Commission adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter H, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective October 8, 1981.

By the Commission.
Kenneth F. Plumb,
Secretary.

PART 271—CEILING PRICES

Section 271.703 is amended by revising (d)(36) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(36) *The Travis Peak Formation in Texas.* RM79-76 (Texas—9) and (Texas—9 Addition).

(i) *Sym-Jac, West (Hosston) Field.*

(A) *Delineation of formation.* The Travis Peak Formation in the Sym-Jac, West (Hosston) Field is found in Cherokee County, Texas, Railroad Commission District 6.

(B) *Depth.* The top and the base of the Travis Peak Formation in the Sym-Jac, West (Hosston) Field are found at approximately 9,850 feet and 12,050 feet, respectively, giving it a thickness of approximately 2,200 feet.

(ii) *Bear Grass Area.*

(A) *Delineation of formation.* The Travis Peak Formation in the Bear Grass area is found in portions of Freestone and Leon Counties, Texas, Railroad Commission District 5. The area is elliptical with a northeast/southwest major axis and contains approximately

5 square miles. The center of the area is approximately 2 miles east of the point of intersection of Freestone, Leon and Limestone Counties and is situated in portions of the following surveys: Gertrude Diaz A-178 and A-1276, Isaac Connelly A-117 and A-1152, William F. Gray A-296, L. W. Gideon A-1018 and Thomas Hardee A-1022.

(B) *Depth.* The top and the base of the Travis Peak Formation in the Bear Grass area are found at approximate subsea depths of—8,379 feet and—11,462 feet, respectively, giving a thickness of approximately 3,100 feet.

[FR Doc. 81-29902 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

RAILROAD RETIREMENT BOARD

20 CFR Part 233

Reduction in the Windfall Benefit Annuity Component

AGENCY: Railroad Retirement Board.

ACTION: Interim final rule with request for comments.

SUMMARY: The Railroad Retirement Board amends Chapter II of Title 20 of the Code of Federal Regulations by adding a new Part 233 to provide for the reduction in the amount of windfall benefits payable in a fiscal year where the moneys appropriated for the payment of such benefits are insufficient to pay windfall benefits at the full rate. A recent amendment to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 established a new account in the Treasury of the United States to be known as the Dual Benefits Payments Account. The Omnibus Budget Reconciliation Act of 1981 also amends the Railroad Retirement Act of 1974 to provide that windfall benefits must be paid from the Dual Benefits Payments Account and that in any given fiscal year the total of windfall benefits payments shall not exceed the amount appropriated to the Account for such benefits. The Board is authorized to prescribe regulations for the reduction of windfall benefits where the amount appropriated is insufficient to pay full benefits.

DATES: This interim rule is effective October 1, 1981. Comments must be received no later than December 14, 1981.

ADDRESS: Public comments should be sent to Dale G. Zimmerman, General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT:

Dale G. Zimmerman, General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4935 (FTS 387-4935).

SUPPLEMENTARY INFORMATION: The Board has determined that this regulation is not a major rule within the meaning of Executive Order 12291. As explained above in the summary section of this preamble, the Board is authorized to prescribe regulations for the reduction of windfall benefits in any year where the amount appropriated will not fully fund the payment of such benefits. The first fiscal year in which reductions are authorized to be made is fiscal year 1982, beginning October 1, 1981.

Accordingly, the new Part 233 must be effective on that date.

Part 233 is added to 20 CFR Chapter II to read as follows:

PART 233—REDUCTION IN THE WINDFALL BENEFIT ANNUITY COMPONENT

Sec.

233.1 When reduction must be made.

233.2 Computation of reduction.

233.3 Reduction of retroactive and other similar payments.

233.4 Reconsideration of the reduction computation.

Authority: Sec. 1122(c) Pub. L. 97-35, 95 Stat. 638 (45 U.S.C. 231f).

§ 233.1 When reduction must be made.

On or before August 31 of each fiscal year, the Board shall, in accordance with this section, determine the amount of the reduction, if any that will have to be made in the following fiscal year in the amount of the windfall benefit components of persons entitled to such benefit components under the Railroad Retirement Act. A reduction must be made where it is determined that the balance in the Dual Benefits Payments Account, comprised of such funds as will be available for the payment of windfall benefits in the following fiscal year including the enacted or estimated appropriation to the Account for the next succeeding fiscal year, disregarding any interest which may be earned by the moneys in the Account during the next fiscal year, is less than the estimate of the amount of the windfall benefits that would be payable under the Railroad Retirement Act during such fiscal year if no reduction were to be applicable. The amount of the windfall benefit as determined by the Board and paid to a person under this section shall constitute full and complete payment of the person's windfall component and there shall be no further liability on the

part of the Board, the United States Government, or any other person or entity for the amount of any reduction imposed.

§ 233.2 Computation of reduction.

The amount of the reduction to be made in the windfall benefit components of annuities shall be determined in the following manner: the balance in the Dual Benefits Payments Account as determined under § 233.1 shall be divided by the amount of the estimated windfall benefits that would be payable for the fiscal year as determined under § 233.1 to obtain a percentage. This percentage of the unreduced windfall benefit component shall be the amount of that component to which persons are entitled under the Railroad Retirement Act. In no event, however, shall the amount of the windfall benefit exceed the amount that would be payable under the Railroad Retirement Act without regard to this section.

§ 233.3 Reduction of retroactive and other similar payments.

If a person is entitled to a retroactive payment for a month or months in an earlier fiscal year, the reduction factor as imposed with respect to the windfall component of the person's annuity, including that portion attributable to an earlier fiscal year, shall be the reduction factor applicable in the year of payment: *Provided, however,* That if the application of the payment year reduction factor would result in a larger payment than would the application of the earlier year reduction factor, the earlier year reduction factor shall be applied. The reduction factor imposed in the case of a replacement payment shall be that reduction factor which was applicable to the original payment. The term "replacement payment" means a payment made to a beneficiary to replace a check which was issued to the beneficiary in an earlier month, but which was not negotiated, and "replacement payment" also means a payment made to the beneficiary for an earlier month in which his or her annuity was not paid for some reason such as lack of a current address.

§ 233.4 Reconsideration of the reduction computation.

The Board shall periodically, but at least quarterly, examine the determinations and calculations made under §§ 233.1 and 233.2, in view of changes which may occur in the estimates used. If, as a result of this examination, the Board determines that the balance in the Dual Benefits

Payments Account will be insufficient to pay benefits from that Account for the balance of the fiscal year at the established rate, the Board shall establish a new rate of reduction to be applied to benefits to be paid for the remaining months so that the balance in the Dual Benefits Payments Account will be sufficient to pay benefits for the remainder of the fiscal year. If, as a result of this examination, the Board finds that the balance in the Account is greater than would be required to pay benefits at the then applicable reduction percentage for the remainder of the fiscal year, the Board may, at its discretion, decrease the reduction percentage with respect to benefits to be paid for the remaining months.

Dated: September 15, 1981.

By Authority of the Board.

James T. Brown,
Chief Executive Officer, Railroad Retirement Board.

[FR Doc. 81-29533 Filed 10-14-81; 8:45 am]

BILLING CODE 7950-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 55

[T.D. ATF-93]

Amendment to Explosive Materials Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Final rule. Treasury decision.

SUMMARY: This final rule eliminates the second copy of ATF F 5400.4 (formerly Form 4710), Explosives Transaction Record, currently required to be forwarded to the Bureau. This action deletes an unnecessary duplicate copy of a form and reduces the paperwork burden on proprietors and reduces cost for both proprietors and the Bureau.

EFFECTIVE DATE: October 15, 1981.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 1200 Pennsylvania Avenue NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION: Title XI of the Organized Crime Control Act of 1970, 18 U.S.C. 842(f), requires the maintenance of records relative to the distribution of explosive materials. An implementing regulation, 27 CFR § 55.126, establishes procedures for the execution of an ATF F 5400.4, Explosives Transaction Record, by the

licensee or permittee to account for the distribution of explosive materials to nonlicensees or nonpermittees. Under § 55.126(c), the Form 5400.4 must be completed in duplicate, the original of which must be retained by the licensee or permittee as part of his permanent records and the duplicate forwarded to the Bureau. Section 55.126(d) prescribes the manner in which the original Form 5400.4 is retained by the licensee or permittee.

The requirement that a licensee obtain an executed Form 5400.4 allows the licensee to determine whether he may lawfully distribute the explosive materials identified in the form to that person. The original purpose of the requirement that the Form 5400.4 be completed in duplicate and a copy forwarded to the Bureau was to provide the Bureau with an investigative and intelligence tool in tracing explosive materials and ascertaining whether a licensee or permittee was conducting his operations in accordance with the law and regulations. Since promulgating this provision, the Bureau has reviewed its internal procedures and practices with respect to receipt of the duplicate copy of Form 5400.4. The Bureau found that forwarding the duplicate Form 5400.4 was not effective as an investigative and intelligence tool and that other internal controls are more effective in fulfilling the original regulatory objectives. For example, since the licensee or permittee retains the original Form 5400.4 on his business premises, in the event the Bureau needs to trace explosive materials, pertinent information can be obtained directly from the licensee or permittee.

Furthermore, the Bureau has statutory authority under 18 U.S.C. 843(f) to enter during the business hours the premises of any licensee or permittee to inspect the original Form 5400.4 to ascertain whether the operations are conducted in compliance with law and regulations. Additionally, members of the regulated industry have commented on the burdensome requirement of preparing this duplicate copy of Form 5400.4 and mailing it no later than the next business day. The Bureau is cognizant of its responsibilities to reduce paperwork requirements upon regulated industries. Consequently, the Bureau is eliminating the second copy of ATF Form 5400.4 which is currently required to be forwarded to the Bureau.

Notice and Public Procedure

Because this minor amendment involves a matter of internal agency practice and procedure and merely simplifies Bureau procedure by discontinuing the second copy of a form

which the Bureau no longer has a continued need for, it is found unnecessary to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b). Furthermore, since this paperwork burden on the regulated industry should be eliminated as soon as possible, the 30-day delay of effective date of 5 U.S.C. 553(d) is found to be unnecessary and contrary to the public interest.

Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in the costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

DRAFTING INFORMATION: The principal author of this document is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

Under the authority contained in 18 U.S.C. § 847 (84 Stat 959), the Director amends 27 CFR Part 55 as follows:

PART 55—EXCISE TAX ON CERTAIN REAL ESTATE INVESTMENT TRUSTS

Section 55.126 (c) and (d) of Subpart G are revised to read as follows:

§ 55.126 Explosives transaction record.

(c) Completed ATF F 5400.4 is to be retained by the licensee or permittee as part of his permanent records in accordance with paragraph (d) of this section.

(d) Each ATF F 5400.4 is retained in numerical (by transaction serial number) order commencing with "1" and continuing in regular sequence. When the numbering of any series reaches "1,000,000," the licensee or permittee may recommence the series. The recommenced series is to be given an alphabetical prefix or suffix.

Where there is a change in proprietorship, or in the individual, firm, corporate name or trade name, the

series in use at the time of the change may be continued.

* * * * *
Signed: September 10, 1981.

G. R. Dickerson,
Director.

Approved: September 24, 1981.

John M. Walker, Jr.,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-29794 Filed 10-14-81; 8:45 am]

BILLING CODE 4810-31-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Non-Multiemployer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Non-Multiemployer Plans contains the interest rates and factors for the period beginning November 1, 1981. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974 (the "Act").

The valuation of plan benefits is necessary because under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in Appendix B to Part 2619 are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after November 1, 1981, and enables the PBGC and plan administrators to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes an amendment revising them.

EFFECTIVE DATE: November 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K

Street, N.W., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation (the "PBGC") issued a final regulation (46 FR 9492 *et seq.*) establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), as amended by the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364, 94 Stat. 1208 (the "Act"). That regulation, 29 CFR Part 2610, was recodified as 29 CFR Part 2619 on June 24, 1981, effective June 29, 1981 (46 FR 32574). That regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B to the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before October 1, 1981. (29 CFR 2610 (1980), 45 FR 64907, 45 FR 75658, 45 FR 75209, 45 FR 82172, 46 FR 3510, 46 FR 16685, 46 FR 18312, 46 FR 26765, 46 FR 31257, 46 FR 36693).

On September 15, 1981, the PBGC last published rates for plans that terminate on or after October 1, 1981 (46 FR 45761). At this time, changes in the financial and annuity markets have necessitated an increase in the rates used by the PBGC to value benefits. Accordingly, this amendment changes the rates in Appendix B to add a set of interest rates and factors for plans that terminate on or after November 1, 1981. These rates and factors will remain in effect until such time as PBGC publishes another amendment which changes the rates.

As a rule, the rates will be in effect for at least one month. If the rates are to be changed, PBGC will publish an amendment in the Federal Register, normally by the 15th of the month prior to the month for which the new rates will be effective. If no change is to be made, no amendment will be published, and the current rates will remain in effect until further notice.

Because the Multiemployer Pension Plan Amendments Act of 1980

established a new insurance program for multiemployer plans, we note that the rates and factors contained in Appendix B to Part 2619 are applicable to non-multiemployer plans only.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly, so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after November 1, 1981, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981, (46 FR 13193) because it will not result in an annual effect on the economy of \$100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

PART 2619—VALUATION OF PLAN BENEFITS IN NONMULTIEMPLOYER PLANS

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended by revising Rate Set 28 and adding Rate Set 29 of Appendix B to read as follows:

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "G" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1 , k_2 , k_3 , n_1 , and n_2 are defined in § 2619.45

| Rate set | For plans with a valuation date | | Immediate annuity rate | Deferred annuities | | | | |
|----------|---------------------------------|---------|------------------------|--------------------|----------------|----------------|----------------|----------------|
| | On or after | Before | | k ₁ | k ₂ | k ₃ | n ₁ | n ₂ |
| 28 | 10-1-81 | 11-1-81 | 10.50 | 1.0375 | 1.0350 | 1.0400 | 7 | 8 |
| 29 | 11-1-81 | | 10.75 | 1.1000 | 1.0375 | 1.0400 | 7 | 8 |

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974) as amended by Secs. 403(l), 403(d) and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299, (1980) (29 U.S.C. 1302, 1341, 1344, 1362))

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-29482 Filed 10-14-81; 8:45 am]

BILLING CODE 7708-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program;
Final Flood Elevation Determinations;
Arizona, et al.

AGENCY: FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect

in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the

community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (final) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirements; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

| State | City/town/county | Source of flooding | Location | # Depth in feet above ground. *Elevation in feet (NGVD) |
|---------------------------------|---|------------------------|---|--|
| NORTH MOHAVE VALLEY AREA | | | | |
| Arizona | Mohave County (Unincorporated Areas), FEMA-6079 | Highland-Williams Wash | Intersection of Oak Avenue and Locust Boulevard | #2 |
| | | Highland-Green Wash | Intersection of La Puerta Road and El Camino Road | #1 |
| | | Buhead Wash | Intersection of 5th Street and Main Street | #2 |
| | | Montana Wash | Intersection of Ramar Road and Monte Vista Drive | #2 |
| | | Chaparral Wash | Intersection of Mohave Drive and Via Arroyo | *501 |
| | | Fort Mohave Wash | Intersection of Joso Avenue and Normando Drive | #1 |
| | | Black Wash | Intersection of 6th Street and Long Avenue | #3 |
| SOUTH MOHAVE VALLEY AREA | | | | |
| | | Camp Mohave Wash | Intersection of Camp Mohave Road and La Calzada | #1 |
| | | Mohave Washes | Intersection of State Highway 85 (Mohave Valley Highway) and Los Gauchos Road | #1 |
| HUALAPAI VALLEY AREA | | | | |
| | | Mohave Wash | Intersection of Thompson Avenue and Wash | *3313 |
| | | | Intersection of Sierra Vista Avenue and North Final Street | *3350 |
| LAKE HAVASU CITY AREA | | | | |
| | | Desert Wash | Intersection of Mohave Drive and Kenneth Lane | #2 |

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|-----------------------------|--|--|
| | | Jops Wash..... | Intersection of Havasu Garden Drive and Park View Drive. | #2 |
| COLORADO CITY AREA | | | | |
| | | Short Creek..... | Upstream side of the intersection of State Highway 389 and the channel. | *4930 |
| HUALAPAI MOUNTAIN PARK AREA | | | | |
| | | Wheeler Wash..... | Upstream side of the intersection of Hualapai Mountain Road and the channel. | *6150 |
| | | Wheeler Wash Tributary..... | Confluence with Wheeler Wash..... | *5991 |
| Maps available for inspection at Flood Plain Department, 4th and Spring, Kingman, Arizona. | | | | |
| Arkansas..... | Camden, City, Ouachita County (Docket No. FEMA-6074)..... | Ouachita River..... | Downstream Corporate Limits..... | *110 |
| | | | Approximately 0.34 mile upstream of upstream Corporate Limits. | *117 |
| | | Two Bayou..... | Downstream Corporate Limits..... | *113 |
| | | | Downstream St. Louis Southwestern Railroad..... | *115 |
| | | | Upstream Cash Road..... | *117 |
| | | | Upstream Corporate Limits..... | *117 |
| | | | Approximately 1,700' upstream of upstream Corporate Limits. | *118 |
| | | Chaffie Creek..... | Confluence with Two Bayou..... | *115 |
| | | | Upstream Cash Road..... | *110 |
| | | | Approximately 2,300' upstream of Cash Road..... | *127 |
| | | | Downstream St. Louis Southwestern Railroad..... | *135 |
| | | Wadleigh Branch..... | Confluence with Two Bayou..... | *110 |
| | | | Upstream State Route 45 (Downstream crossing)..... | *110 |
| | | | Upstream State Route 45 (Upstream crossing)..... | *120 |
| | | | Approximately 1,300' downstream of Hussman Drive..... | *132 |
| | | | Spillway of Berg Lake..... | *140 |
| | | Tributary 1..... | Confluence with Two Bayou..... | *115 |
| | | | Upstream Boulder Street..... | *128 |
| | | | Upstream Pierce Street..... | *130 |
| | | | Downstream Tate Street..... | *145 |
| | | Tributary 2..... | Confluence with Chaffie Creek..... | *110 |
| | | | Approximately 800' downstream of St. Louis Southwestern Railroad..... | *124 |
| | | | Downstream St. Louis Southwestern Railroad..... | *130 |
| | | | Downstream Monticello Street..... | *140 |
| | | | Downstream Fairview Road..... | *152 |
| | | Tributary 3..... | Confluence with Wadleigh Branch..... | *122 |
| | | | Upstream Washington Street..... | *130 |
| | | | Approximately 185' upstream Haynos Avenue..... | *135 |
| | | Tributary 4..... | Confluence with Tributary 3..... | *124 |
| | | | Approximately 50' downstream Harding Avenue..... | *132 |
| | | | Approximately 100' upstream Copeland Street..... | *138 |
| | | | Downstream State Routes 4 & 24..... | *144 |
| | | Tributary 5..... | Confluence with Wadleigh Branch..... | *120 |
| | | | Approximately 150' downstream Garland Avenue..... | *130 |
| | | | Downstream Sycamore Avenue..... | *105 |
| Maps available for inspection at the City Council Chamber, City Hall, 206 Van Buren Street, Camden, Arkansas. | | | | |
| Arkansas..... | Town of Hackett, Sebastian County (FEMA-6052)..... | Big Branch..... | Just upstream of Arkansas Highway 10..... | *513 |
| | | | Just upstream of Henderson Street..... | *510 |
| Maps available for inspection at Town Hall, Hackett, Arkansas 72937. | | | | |
| Arkansas..... | City of Hartford, Sebastian County (FEMA-6052)..... | West Creek..... | Just upstream of Green Street..... | *624 |
| | | | Just downstream of Northern Corporate Limits..... | *648 |
| Maps available for inspection at city Hall, Hartford, Arkansas 72938. | | | | |
| Arkansas..... | City of Holly Grove, Monroe County (FEMA-6061)..... | White River..... | South Smith Street and Central Avenue..... | *170 |
| | | | Northeast Quadrant Fourth Avenue and Pine Street..... | *179 |
| Maps available for inspection at City Hall, 105 South Smith Street, Holly Grove, Arkansas 72069. | | | | |
| Arkansas..... | Town of Lavaca, Sebastian County (FEMA-6052)..... | Cox Creek..... | Just upstream of Arkansas Highway 253..... | *403 |
| | | | Just downstream of N. Davis Street..... | *406 |
| Maps available for inspection at Town Hall, Main Street, Lavaca, Arkansas 72941. | | | | |
| Arkansas..... | City of Lonoke, Lonoke County (FEMA-6053)..... | Bayou Two Prairie..... | Just upstream of State Route 31..... | *228 |
| | | Pack Branch..... | Just downstream of Dismukes Avenue..... | *229 |
| | | | Just upstream of W. 3rd Street..... | *232 |
| Maps available for inspection at City Hall, 203 West Front Street, Lonoke, Arkansas 72086. | | | | |
| Arkansas..... | Town of Montrose, Ashley County (FEMA-6061)..... | Bayou Bartholomew..... | West Seventh Street and Hamburg Street..... | *120 |
| Maps available for inspection at Town Hall, Montrose, Arkansas 71658. | | | | |
| Arkansas..... | City of Morrilton, Conway County (FEMA-6052)..... | Arkansas River..... | Just upstream of State Highway 9..... | *270 |
| | | Cherokee Creek..... | Just upstream of Missouri Pacific Railroad..... | *310 |
| | | | Just downstream of First Street..... | *320 |
| | | Park Creek..... | Just upstream of Interstate 40..... | *310 |
| | | | Just upstream of St. Joseph Street..... | *351 |
| | | Carney Creek..... | Just upstream of State Highway 247..... | *310 |
| Maps available for inspection at City Hall, 210 North Mosse, Morrilton, Arkansas 72110. | | | | |

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) | |
|--|--|---|---|---|-------|
| Arkansas | City of Ozark, Franklin County (FEMA-6052) | Arkansas River | Just upstream of State Highway 23 | *375 | |
| | | Gar Creek | Just upstream of 2nd Street | *390 | |
| | | | Just upstream of State Highway 23 | *468 | |
| | | | Just upstream confluence of South Branch Gar Creek | *526 | |
| | | North Branch Gar Creek | Just downstream of State Highway 23 | *570 | |
| | | South Branch Gar Creek | Just upstream of U.S. Highway 64 | *535 | |
| | | East Fork Gar Creek | Just downstream of Yates Road | *425 | |
| Maps available for inspection at City Hall, 607 West College Street, Ozark, Arkansas 72949. | | | | | |
| Arkansas | City of Wilmot, Ashley County (FEMA-6061) | Bayou Bartholomew | West side of intersection of Curry Street and Missouri Pacific Railroad | *111 | |
| | | | Southwest Corner of intersection of West Main Street and Northern Corporate Limits | *112 | |
| Maps available for inspection at City Hall, Wilmot, Arkansas 71646. | | | | | |
| Connecticut | Ellington, Town Tolland County (Docket No. FEMA-6074) | Hockanum River | Downstream Corporate Limits | *217 | |
| | | | Upstream of Windermere Road | *220 | |
| | | | Upstream of Lower Butcher Road | *226 | |
| | | Willmantic River | Upstream Corporate Limits | *237 | |
| | | | Downstream Corporate Limits | *435 | |
| | | | Upstream Corporate Limits | *452 | |
| | | | Maps available for inspection at the Planning Office and at the Offices of the Building Inspector and Selectmen, Town Hall, Ellington, Connecticut. | | |
| Connecticut | Killingworth, Town Middlesex County (Docket No. FEMA-6052) | Hammonasset River | Chestnut Hill Road | *52 | |
| | | | 3,800' upstream of Chestnut Hill Road | *90 | |
| | | | 6,200' upstream of Chestnut Hill Road | *130 | |
| | | | Approximately 3,900' downstream of State Route 80 | *170 | |
| | | | 2,075' downstream of State Route 80 | *190 | |
| | | Pond Meadow Brook | State Route 80 | *214 | |
| | | | Upstream of Kroopa Pond Dam | *325 | |
| | | | 1,750' upstream of Kroopa Pond Dam | *350 | |
| | | | Confluence with Lane District Brook | *362 | |
| | | | 900' downstream Schnoor Road | *382 | |
| | | Lane District Brook | Upstream of Schnoor Road | *402 | |
| | | | Confluence with Pond Meadow Brook | *362 | |
| | | | Upstream of State Route 148 (downstream crossing) | *368 | |
| | | | Upstream of State Route 148 (upstream crossing) | *372 | |
| | | | Alders Bridge Road | *377 | |
| Maps available for inspection at the Town Office Building, Route 81, Killingworth, Connecticut. | | | | | |
| Florida | Unincorporated Areas of Sumter County (FEMA 6078) | Withlacoochee River | Just downstream of Wyzong Lock and Dam | *44 | |
| | | | Downstream of Florida Highway 43 | *47 | |
| | | Jumper Creek | Just downstream of Interstate Highway 75 | *59 | |
| | | | Just downstream of U.S. Highway 301 | *67 | |
| | | Lake Panasoffkee | Just downstream of Seaboard Coastline Railroad | *87 | |
| | | | Entire Shoreline of the Lake | *45 | |
| | | | Black Lake | The Entire Shoreline of the Lake | *59 |
| | | | Cherry Lake | The Entire Shoreline of the Lake | *59 |
| | | | Lake Miona | The Entire Shoreline of the Lake | *59 |
| | | | Lake Oklawaha | At the Florida Turnpike crossing the Lake | *62 |
| | | Lake Deaton | The Entire Shoreline of the Lake | *62 | |
| | | Maps available for inspection at Sumter County Courthouse, 400 North Florida Avenue, Bushnell, Florida 33213. | | | |
| Georgia | Unincorporated Areas of Brooks County (FEMA 6079) | Withlacoochee River | Just upstream of U.S. Highway 84, 221 and State Highway 33 | *114 | |
| | | | Just downstream of State Highway 94 | *128 | |
| | | Little River | Just upstream of U.S. Highways 84, 221 and State Highway 33 | *109 | |
| | | | Just upstream of North Highland Street | *114 | |
| | | | Just upstream of Southern Railway | *117 | |
| Maps available for inspection at Brooks County Courthouse, Screven Street, Quitman, Georgia 31643. | | | | | |
| Idaho | Clark Fork (City) Bonner County, FEMA-6074 | Lightning Creek | Intersection of Burlington Northern Railroad and channel | *2086 | |
| | | | Intersection of State Highway 200 and channel | *2101 | |
| | | Clark Fork | Intersection of Mosquito Creek and State Highway 200 | *2077 | |
| | | | Mosquito Creek | Intersection of eastern corporate limits and channel | *2081 |
| Maps available for inspection at City Hall, 3rd & Main, Clark Fork, Idaho. | | | | | |
| Illinois | (V) Makanda Jackson County (Docket No. FEMA-6074) | Drury Creek | About 1.0 mile downstream of County Road 29 | *434 | |
| | | | About 0.48 mile upstream of Illinois Central Gulf Railroad | *443 | |
| Maps available for inspection at the Village Clerk's Home, Makanda, Illinois. | | | | | |
| Illinois | (C) Oregon Ogle County (Docket No. FEMA-6074) | Tributary No. 1 | About 150 feet upstream of confluence with Lake Mistake Drain | *703 | |
| | | | About 1120 feet upstream of confluence with Lake Mistake Drain | *709 | |
| | | Lake Mistake Drain | Just upstream of Burlington Northern Railroad | *703 | |
| | | | Just upstream of confluence of Tributary No. 1 | *703 | |
| Maps available for inspection at the Clerk's Office, City Hall, 115 North 3rd Street, Oregon, Illinois | | | | | |

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|--|--|---------------------------------------|---|---|
| Illinois | (V) Westhaven Cook County (Docket No. FEMA-6074) | Tinley Creek | About 200 feet downstream of 163rd Street About 1400 feet upstream of 88th Avenue About 200 feet upstream of 167th Street Just downstream of Hobart Avenue Just upstream of Hobart Avenue At the upstream corporate limits | *699 *701 *703 *708 *710 *721 |
| Maps available for inspection at the Village Hall, 16801 South 94th Street, Tinley Park, Illinois. | | | | |
| Indiana | (Uninc.) Bartholomew County (Docket No. FEMA-6074) | Flatrock River | About 600 feet upstream of Conrail About 700 feet upstream of U.S. Highway 31 Just upstream of 400 North Road About 600 feet upstream of 550 North Road Just downstream of 800 North Road At north central county boundary | *620 *630 *637 *649 *660 *677 |
| | | East Fork White River | At southeastern county boundary About 0.2 mile upstream of 800 South Road About 0.1 mile downstream of confluence of Clifty Creek | *584 *593 *608 |
| | | Driftwood River | At confluence of Flatrock River and Driftwood River About 0.2 mile upstream of Lowell Road Just downstream of Tannehill Road | *623 *635 *647 |
| | | Haw Creek | About 0.85 mile upstream of Hendricks Ford Road Just upstream of 175 East Road About 2.0 miles upstream of 175 East Road Just upstream of 600 East Road | *650 *643 *658 *682 |
| | | Little Haw Creek | About 0.8 mile upstream of 600 East Road Just downstream of confluence of Little Haw Creek Mouth at Haw Creek | *690 *697 *697 |
| | | Clifty Creek | About 200 feet upstream of 775 East Road About 200 feet downstream of 690 North Road About 100 feet downstream of 900 East Road Mouth at East Fork White River | *702 *710 *734 *608 |
| | | Denios Creek | Just upstream of Gladstone Avenue About 0.25 mile upstream of State Highway 7 About 400 feet upstream from confluence of Sloan Branch About 0.1 mile downstream of 500 East Road Mouth at East Fork White River | *610 *620 *634 *642 *604 |
| | | Denios Creek Tributary | About 0.2 mile upstream of Conrail About 300 feet upstream of Interstate 65 Confluence of Denios Creek Tributary At confluence of Denios Creek | *612 *625 *633 *633 |
| | | Opossum Creek | About 700 feet upstream of 150 South Road Just downstream of Mile House Road Mouth at East Fork White River About 0.55 mile downstream of U.S. Alternate Highway 31 | *637 *645 *610 *612 |
| | | East Fork White Creek | Just downstream of 150 West Road Just upstream of 200 South Road Just upstream of Interstate 65 About 100 feet downstream of 300 West Road Just downstream of 110 South Road | *615 *618 *620 *638 *639 |
| | | East Fork White Creek Tributary No. 1 | About 800 feet downstream of 600 South Road About 400 feet upstream of 550 South Road Just downstream of 500 West Road About 0.7 mile upstream of State Highway 58 About 0.15 mile downstream of 600 South Road | *600 *615 *622 *637 *608 |
| | | East Fork White Creek Tributary No. 2 | Just upstream of 400 West Road About 0.8 mile upstream of 400 West Road Mouth at East Fork White Creek | *612 *622 *612 |
| | | Wolf Creek | About 120 feet downstream of 450 South Road About 200 feet upstream of 400 South Road About 200 feet downstream of 550 West Road About 0.45 mile upstream of 325 West Road About 1.2 miles upstream of 500 West Road | *627 *634 *640 *627 *645 |
| | | Lutheran Lake Tributary | Mouth at South Fork White Creek About 0.16 mile upstream of Waymansville Road Mouth at Driftwood River | *603 *608 *630 |
| | | Catherine Creek | About 0.9 mile upstream of 325 West Road Just downstream of upstream crossing of 200 North Road About 0.1 mile downstream of Camp Atterbury Military Reservation eastern boundary | *631 *638 *640 |
| | | Ensley Ditch | Mouth at Flatrock River About 260 feet upstream of 950 North Road About 0.5 mile upstream of 950 North Road | *664 *675 *684 |
| | | Big Slough | Mouth at Flatrock River Just upstream of 450 North Road About 211 feet upstream of upstream 550 North Road About 0.53 mile upstream of 650 North Road | *637 *644 *648 *655 |
| | | Big Slough Tributary | About 850 feet upstream of 650 North Road | *652 *658 |

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | # Depth in feet above ground. *Elevation in feet (NGVD) |
|--|---|---|---|---|
| | | South Fork White Creek | About 200 feet upstream of 100 West Road | *659 |
| | | | Just downstream of 50 West Road | *661 |
| | | | About 2.1 miles downstream of confluence of Lutheran Lake Tributary | *596 |
| | | North Ogville Tributary | About 0.45 mile upstream of Lake Road | *603 |
| | | | Mouth at East Fork White Creek Tributary No. 2 | *628 |
| | | | Just downstream of State Highway 58 | *633 |
| | | Airport Tributary | About 0.22 mile upstream of State Highway 58 | *641 |
| | | | Mouth at Denios Creek | *605 |
| | | | Just upstream of 450 South Road (downstream crossing) | *610 |
| | | | About 160 feet downstream of 100 West Road | *614 |
| | | | Just upstream of 450 South Road (upstream crossing) | *618 |
| | | | Just downstream of 175 West Road | *628 |
| Maps available for inspection at the City Hall, 5th and Franklin, Columbus, Indiana. | | | | |
| Indiana | (T) Cedar Lake, Lake County (Docket No. FEMA-6074) | Cedar Creek | Lake Delocaria Inlet | *688 |
| | | | Just upstream of West 144th Avenue | *690 |
| | | | Outlet of Cedar Lake | *695 |
| Maps available for inspection at the Planning Commission Office, 7808 W. 138th Place, Cedar Lake, Indiana. | | | | |
| Kentucky | City of Raceland, Greenup County (FEMA 6079) | Ohio River (Backwater Flooding on Pond Run) | Just upstream Railroad Avenue | *544 |
| | | Pond Run | Just upstream of Dow Avenue | *563 |
| | | | Just upstream of H.V. View Avenue | *565 |
| Maps available for inspection at City Hall, Chinn Street, Raceland, Kentucky 41169. | | | | |
| Louisiana | Village of Florien, Sabine Parish (FEMA 6079) | Midkill Creek | Just downstream of State Highway 474 (Port Arthur Avenue) | *243 |
| | | Unnamed Tributary | Just downstream of Kansas City Southern Railroad | *246 |
| | | | Approximately 200 feet downstream of US Highway 171 | *236 |
| | | | Just upstream of US Highway 171 | *237 |
| Maps available for inspection at Village Hall, Highway 474, Florien, Louisiana 71429. | | | | |
| Maine | Baring Plantation, Washington County (Docket No. FEMA-6053) | St. Croix River | Downstream Corporate Limits | *78 |
| | | | Just upstream of Maine Central Railroad | *87 |
| | | | Upstream Corporate Limits | *93 |
| Maps available for inspection at the residence of the First Assessor, Ms. Bertha Johnson, Route 1, Baring Plantation, Maine. | | | | |
| Massachusetts | Southbridge, Town, Worcester County (Docket No. FEMA-6074) | Quinebaug River | Approximately 0.4 mile downstream of downstream Corporate Limits | *386 |
| | | | Confluence of Lebanon Brook | *394 |
| | | | Upstream of Sandersdale Dam | *408 |
| | | | Confluence of Cady Brook | *422 |
| | | | Downstream of Harrington Company Dam | *470 |
| | | McKinstry Brook | Upstream Corporate Limits | *512 |
| | | | Confluence with Quinebaug River | *480 |
| | | | Downstream of Pleasant Street | *486 |
| | | Lebanon Brook | Approximately 0.5 mile upstream of Pleasant Street | *506 |
| | | | Confluence with Quinebaug River | *394 |
| | | | Upstream of Ashland Street | *408 |
| | | | Upstream of State Route 169 | *502 |
| | | | Approximately 1.0 mile upstream of State Route 169 | *540 |
| | | | Approximately 1.3 miles upstream of State Route 169 | *551 |
| | | Cady Brook | Confluence with Quinebaug River | *422 |
| | | | Upstream of Vinton Street | *465 |
| | | | Upstream Corporate Limits | *492 |
| | | Cohasse Brook | Confluence with Quinebaug River | *419 |
| | | | Upstream of Lebanon Hill Road | *475 |
| | | | Upstream of Eastford Road (second crossing) | *552 |
| | | | Approximately 1.0 mile upstream of Eastford Road (second crossing) | *579 |
| | | | Approximately 1.2 miles upstream of Eastford Road (second crossing) | *636 |
| Maps available for inspection at the Town Hall, 41 Elm Street, Southbridge, Massachusetts. | | | | |
| Michigan | (V) Augusta, Kalamazoo County (Docket No. FEMA-6074) | Kalamazoo River | About 1.0 mile downstream of Conrail | *793 |
| | | | About 1.1 miles upstream of Fulton Street | *795 |
| | | Augusta Creek | At mouth | *794 |
| | | | About 2,170 feet upstream of Washington Street | *805 |
| Maps available for inspection at the Village Hall, 109 West Clinton Street, Augusta, Michigan. | | | | |
| Michigan | (Twp.) Ross, Kalamazoo County (Docket No. FEMA-6074) | Kalamazoo River | About 1,800 feet downstream of Conrail | *794 |
| | | | About 1.1 miles upstream of Fulton Street | *795 |
| Maps available for inspection at the Township Hall, P.O. Box 475, Augusta, Michigan. | | | | |
| Minnesota | (C) Aitkin, Aitkin County (Docket No. FEMA-6074) | Mississippi River | Flooding within corporate limits | *1203 |
| | | Ripple River | Just upstream of Second Street | *1203 |
| | | | About 2,400 feet upstream of Minnesota Avenue South | *1204 |
| Maps available for inspection at the City Hall, 109 1st Avenue, N.W., Aitkin, Minnesota. | | | | |

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|--|--|---|--|
| Minnesota | (Uninc.) Aitkin County (Docket No. FEMA-6074) | Mississippi River | Downstream county boundary About 6.4 miles upstream of confluence of Sissabagamah Creek About 4.1 miles downstream of U.S. Highway 169 At confluence of Willow River About 850 feet downstream of Soo Line Railroad About 5.0 miles upstream of Soo Line Railroad Center of Section 6, Township 51 North, Range 23 West About 5.5 miles upstream of center of Section 6, Township 51 North, Range 23 West Ripple River Mouth at Mississippi River About 3,500 feet upstream of mouth Sissabagamah Creek At confluence with Mississippi River Just downstream of U.S. Highway 169 Big Sandy Lake Shoreline Sandy River Lake Shoreline Flowage Lake Shoreline Aitkin Lake Shoreline | *1201 *1203 *1208 *1212 *1214 *1218 *1234 *1238 *1203 *1203 *1203 *1203 *1224 *1224 *1224 *1224 |
| Maps available for inspection at the Aitkin County Courthouse, Aitkin, Minnesota | | | | |
| Minnesota | (C) Hokah, Houston County (Docket No. FEMA-6074) | Root River Thompson Creek | About 500 feet downstream of State Highway 16 About 1.0 mile upstream of State Highway 16 Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad Just downstream of dam Just upstream of dam About 1.0 mile upstream of County Highway 18 | *649 *654 *650 *653 *658 *670 *681 |
| Maps available for inspection at the City Hall, 56 Main Street, Hokah, Minnesota. | | | | |
| Montana | Bozeman (City), Gallatin County, FEMA-6033 | Bozeman Creek East Gallatin River Bridger Creek Mill Ditch Diversion Figgins Creek West Fork of Figgins Creek Spring Creek Golf Course Irrigation Ditch | 75 feet upstream from center of Ice Pond Road Intersection of River and center of Bridger Drive (State Highway 293) 50 feet upstream from center of Story Hill Road 75 feet upstream from center of Story Mill Road Intersection of ditch and center of East Main Street Intersection of creek and center of Hoffman Drive 100 feet upstream from center of Kagy Boulevard At confluence with Bozeman Creek At upstream limit of detailed study | *4852 *4710 *4851 *4720 *4803 *4892 *4900 *4899 *4935 |
| Maps available for inspection at City Hall, P.O. Box 640, Bozeman, Montana. | | | | |
| Oregon | Forest Grove (City), Washington County, FEMA-6080 | Tualatin River Gales Creek Council Creek Tualatin River Side Channel | Area along Fern Hill Road, from approximately 500 feet south of the intersection of Fern Hill Road and Southern Pacific Railroad to the extreme southern corporate limits Intersection of Ash Street and 13th Avenue Limit of detailed study area, west of State Highway 47 Area within the extreme southwestern corporate limits, just west of Buchanan Road, and approximately 1400 feet south of the bend of Buchanan Road and Mountain View Lane | *158 *169 *168 *157 |
| Maps available for inspection at Administrative Offices, 1924 Council Street, Forest Grove, Oregon. | | | | |
| Oregon | Willamina (City), Yamhill County, FEMA-6073 | Willamina Creek | 150 feet upstream from center of South Main Street | *224 |
| Maps available for inspection at City Recorder's Office, 411 N.E. C Street, Willamina, Oregon. | | | | |
| Pennsylvania | Collier, Township, Allegheny County (Docket No. FEMA-6027) | Chartiers Creek Chartiers Creek Diversion Channel Robinson Run (Lower) Robinson Run (Upper) | Downstream Corporate Limits Downstream of Conrail upstream of Grant Avenue Corporate Limits downstream of Chartiers Creek Diversion Channel Conrail approximately 1,720 feet downstream of Washington Avenue Downstream Diversion Channel Cutoff Culvert Upstream Diversion Channel Cutoff Culvert Upstream Corporate Limits in Collier Outlet to Chartiers Creek Steen Road (Upstream side) Low Flow Diversion Weir Confluence with Chartiers Creek Upstream Interstate Route 79 (Northbound) Downstream Nobletown Road Upstream Conrail approximately 1,760 feet downstream of confluence of Scotts Run Approximately 160 feet downstream of Scotts Run Road extended Upstream Walkers Mill Road Upstream Conrail approximately 1,240 feet upstream Walkers Mill Road Upstream Conrail approximately 4,800 feet downstream of confluence of Pinkertons Run | *776 *770 *790 *798 *804 *815 *821 *792 *813 *815 *777 *784 *792 *807 *819 *827 *835 *862 |

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|-------|------------------|--------------------|---|--|
| | | Campbell's Run | Confluence of Pinkertons Run Old Nobletown Road Upstream Interstate 79 culvert Upstream Robinson Township Water Pollution Control Plant Drive Downstream Corporate Limits in Robinson Township Upstream Corporate Limits in Robinson Township Approximately 800 feet upstream of upstream Corporate Limits in Robinson Township Approximately 1,400 feet upstream of upstream Corporate Limits in Robinson Township Downstream culvert approximately 2,760 feet downstream of Corporate Limits Upstream culvert approximately 2,760 feet downstream of Corporate Limits Upstream culvert approximately 840 feet downstream of Corporate Limits Upstream Corporate Limits | *868 *878 *877 *894 *903 *916 *925 *940 *955 *973 *981 *988 |

Maps available for inspection at the Collier Municipal Building, 81 Nobletown Road, Camogie, Pennsylvania.

| | | | | |
|--------------|---|------------------|---|--|
| Pennsylvania | Exeter, Township, Berks County (Docket No. FEMA-6053) | Schuylkill River | Downstream Corporate Limits Conrad (Upstream) Confluence of Antietam Creek Gibbler Road (Upstream) Upstream Corporate Limits Confluence with Schuylkill River U.S. Route 422 (Downstream) Sixth footbridge (Upstream) Confluence of Tributary 1 Fairlane Road (Upstream) Confluence with Tributary 2 St. Lawrence-Exeter downstream Corporate Limits St. Lawrence-Exeter upstream Corporate Limits Butler Lane Road (Upstream) Heddelberg Avenue (Upstream) Upstream Corporate Limits Confluence with Schuylkill River Painted Sky Road (Upstream) Birchmont Drive (Upstream) Approximately 750' upstream of 2nd Neversink Road crossing | *164 *168 *173 *175 *181 *173 *193 *210 *217 *225 *236 *260 *321 *332 *368 *385 *177 *186 *192 *197 |
| | | Antietam Creek | Confluence with Antietam Creek Dam (Downstream) Approximately 2,770' upstream of Dam Approximately 4,520' upstream of Dam Confluence with Antietam Creek Shelbourne Road (Downstream) Private Drive (Downstream) Schollers Road (Downstream) Oley Turnpike Road (Downstream) Confluence with Schuylkill River Approximately 1,380' upstream of Lincoln Road Approximately 2,250' upstream of Lincoln Road | *217 *226 *245 *267 *236 *246 *272 *296 *350 *171 *188 *215 |
| | | Trout Run | | |
| | | Tributary 1 | | |
| | | Tributary 2 | | |
| | | Tributary 3 | | |

Maps available for inspection at the Exeter Township Municipal Building, Reading, Pennsylvania.

| | | | | |
|--------------|--|-----------------------------|--|---|
| Pennsylvania | Franconia, Township Montgomery County (Docket No. FEMA-6033) | East Branch Perkiomen Creek | Downstream Corporate Limits Dam (upstream side) located approximately 2,200 feet upstream from corporate limits Fritz Road bridge (upstream side) Camp Road bridge (upstream side) Allentown Road bridge (upstream side) Dam (upstream side) located approximately 4,700 feet upstream from Allentown Road bridge Upstream corporate limits and County Line Road bridge (downstream side) Downstream corporate limits Approximately 2,400 feet upstream from Schoolhouse Road Allentown Road bridge (upstream side) Approximately 2,850 feet upstream from Allentown Road bridge Cowpath Road bridge (upstream side) Upstream corporate limits Downstream corporate limits Orchard Lane Road bridge (upstream side) Long M ^d Road bridge, (upstream side) Approximately 1,000' downstream from Clemens Road bridge Clemens Road bridge (downstream side) | *219 224 234 243 257 268 276 226 236 253 263 278 313 225 236 247 250 255 |
| | | Skipack Creek | | |
| | | Indian Creek | | |

Maps available for inspection at the Franconia Township Building, Allentown Road, Franconia, Pennsylvania.

| | | | | |
|-------|---|------------------|--|--|
| Texas | Unincorporated Areas of Caldwell County (FEMA 6080) | San Marcos River | Just upstream of confluence of Plum Creek Just downstream of Interstate Highway 10 Just upstream of Southern Pacific Railroad Just downstream of State Highway 671 Just upstream of State Highway 20 Just upstream of Farm Market Road 1977 | *354 357 380 *405 *443 *482 |
|-------|---|------------------|--|--|

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|-------|------------------|--|--|--|
| | | Unnamed Tributary to San Marcos River. | Just upstream of State Highway 80..... | *550 |
| | | Shallow Flooding Area..... | Just upstream of State Highway 80..... | *550 |
| | | Tenney Creek..... | Just upstream of Farm Market Road 3150..... | *445 |
| | | | Just upstream of State Highway 731..... | *440 |
| | | Campbell Creek..... | Just upstream of Farm Market Road 3150..... | *445 |
| | | | Just upstream of a dirt road..... | *450 |
| | | Seals Creek..... | Just upstream of Old San Marcos Highway..... | *374 |
| | | | Just downstream of U.S. Highway 90..... | *375 |
| | | Seals Creek Tributary..... | Just upstream of Old San Marcos Highway..... | *374 |
| | | West Fork Plum Creek..... | Just upstream of State Highway 20..... | *475 |
| | | Little West Fork..... | Just downstream of an unnamed road..... | *404 |
| | | Big West Fork..... | Just upstream of an unnamed road..... | *409 |

Maps available for inspection at County Judge's Office, County Courthouse, Lockhart, Texas 78644.

| | | | | |
|-------|---|--------------------|--|-----|
| Texas | City of Missouri City, Ford Bend and Harris Counties (FEMA-6073). | Stafford Run..... | Just upstream of Cartwright Road..... | *70 |
| | | | Approximately 1500 feet downstream of Court Road..... | 71 |
| | | Oyster Creek..... | Just upstream of FM 1092..... | *64 |
| | | Brazos River..... | Approximately 300 feet south along the Missouri Pacific Railroad from the intersection of Senior Road and Missouri Pacific Railroad. | *67 |
| | | Mustang Bayou..... | Just downstream of Turtle Creek Drive..... | *70 |
| | | | Just downstream of Cherry Hills Drive extended..... | *70 |

Maps available for inspection at City Hall, 310 Orchard Street, Missouri City, Texas 77459.

| | | | | |
|-------|--|--------------------|--|------|
| Texas | City of Uvalde, Uvalde County (FEMA 6080)..... | Leona River..... | Just upstream of East Mesquite Street..... | *002 |
| | | | Just upstream of Leona Street..... | 003 |
| | | | Just downstream of Studer Street..... | 007 |
| | | Cooks Slough..... | Just upstream of W. Main Street (U.S. Highway 90)..... | *001 |
| | | | Just upstream of Fort Clark Street..... | 003 |
| | | | Just upstream of Bohme Street extended..... | 009 |
| | | | Just upstream of Benson (FM Highway 1052)..... | 010 |
| | | Taylor Slough..... | Just downstream of U.S. Highway 90..... | *010 |
| | | | Just upstream of U.S. Highway 90..... | *021 |

Maps available for inspection at City Hall, Intersection of Highways 90 and 83, Uvalde, Texas 78801.

| | | | | |
|---------|---|---------------------|---|------|
| Vermont | Duxbury, Town Washington County (Docket No. FEMA-6080). | Winooski River..... | Downstream Corporate Limits..... | *341 |
| | | | Bolton Falls Dam (downstream side)..... | *359 |
| | | | Bolton Falls Dam (upstream side)..... | *405 |
| | | | Upstream crossing of Central Vermont Railroad..... | *410 |
| | | | Upstream Corporate Limits..... | *420 |
| | | Crossett Brook..... | Confluence with Winooski River..... | *427 |
| | | | Approximately 2,060' upstream of State Route 100 (downstream crossing)..... | *445 |
| | | | State Route 100 upstream crossing (downstream side)..... | *493 |
| | | | Approximately 190' upstream of Private Drive..... | *523 |

Maps available for inspection at the Duxbury Town Clerk's Office, Waterbury, Vermont.

| | | | | |
|------------|---|-----------------------------|---|-----|
| Washington | Port Townsend (City) Jefferson County, FEMA-6073..... | Port Townsend Bay..... | Approximately 150 feet south of the intersection of Quincy Street and Water Street. | *10 |
| | | | Intersection of Washington Street and Kearne Street..... | #1 |
| | | Strait of Juan de Fuca..... | Approximately 200 feet north of the intersection of Kuhn Street and 58th Street. | *10 |
| | | Admiralty Inlet..... | Approximately 100 feet east of the intersection of Hudson Street and Cosgrove Street. | *0 |

Maps available for inspection at City Engineer's Office 540 Water Street, Port Townsend, Washington.

| | | | | |
|------------|--|-----------------|--|------|
| Washington | Roy (Town) Pierce County, FEMA-6080..... | Muck Creek..... | 50 feet upstream from center of Warren Street..... | *312 |
|------------|--|-----------------|--|------|

Maps available for inspection at Town Clerk's Office, Town Hall, McNaught Street, Roy, Washington.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 29, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-29708 Filed 10-14-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND
HUMAN SERVICES

Social Security Administration

45 CFR Part 205

General Administration—Public Assistance Programs; Federal Financial Participation in the Cost of a Statewide Mechanized Claims Processing and Information Retrieval System in the Aid to Families With Dependent Children Program

Correction

In FR Doc. 81-28339 appearing at page 47784 in the issue for Wednesday, September 30, 1981, please make the following correction:

On page 47786, in the first column, in the first paragraph under the heading "Interim Final Regulations", in the fourth line, "5 U.S.C. 533(b)(B)" should have read "5 U.S.C. 553(b)(B)".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS
COMMISSION

47 CFR Part 73

[BC Docket No. 80-429; RM-3514]

FM Broadcast Station in Ogallala,
Nebr.; Changes Made in Table of
AssignmentsAGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: This action substitutes Channel 293 for Channel 286 at Ogallala, Nebraska, and modifies the license of Station KMCX, Ogallala, to specify operation on Channel 293. Channel 286 at Ogallala is short-spaced to Channel 287 at McCook, Nebraska. This action eliminates the short-spacing.

DATE: Effective: November 16, 1981.

ADDRESS: Federal Communications
Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Michael A. McGregor, Broadcast Bureau,
(202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of
§ 73.202(b), *Table of Assignments*, FM
Broadcast Stations (Ogallala,
Nebraska), BC Docket No. 80-429, RM-
3514.

Memorandum Opinion and Order

Adopted: September 4, 1981.

Released: September 15, 1981.

1. By *Report and Order*, 46 FR 40699, published August 11, 1981, the Commission assigned Channel 286 to Ogallala, Nebraska, and modified the license of Station KMCX (Channel 228A) to specify operation on Channel 286. In so doing, the Commission inadvertently overlooked a mileage separation conflict with the recent assignment of Channel 287 to McCook, Nebraska.¹ The distance between the two communities is approximately 70 miles, while the required separation between first adjacent Class C channels is 150 miles. To correct this short-spaced assignment, we are now substituting Channel 293 for Channel 286 at Ogallala and modifying the license of Station KMCX to specify operation on Channel 293, instead. Channel 293 meets all the mileage separation requirements. This action is taken on our own motion pursuant to Section 1.108 of the Commission's Rules which permits us to reconsider actions previously taken within 30 days of its release.

2. Accordingly, it is ordered, that effective November 16, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended as follows:

| City | Channel No. |
|-----------------|-------------|
| Ogallala, Nebr. | 259, 293 |

3. It is further ordered, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, that the license of Station KMCX, Ogallala, Nebraska, is modified to specify operation on Channel 293, subject to the conditions listed in paragraph 10 of the *Report and Order* adopted July 30, 1981.

4. It is further ordered, that the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this *Memorandum Opinion and Order* to Connell Radiowest, Inc., c/o John L. Tierney, Suite 304, 1925 K Street, NW., Washington, D.C.

5. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082
(47 U.S.C. 154, 303))

¹ Channel 287 was assigned to McCook in Docket No. 80-569, adopted July 21, 1981, and released July 30, 1981.

Federal Communications Commission.
Martin Blumenthal,
Acting Chief, Policy and Rules Division,
Broadcast Bureau.

[FR Doc. 81-28343 Filed 10-14-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-284; RM-3696, RM-3822,
RM-3927, RM-3928]FM Broadcast Station in Christiansted
and Frederiksted, Virgin Islands;
Changes Made in Table AssignmentsAGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channels 238 and 262 to Christiansted, Virgin Islands. The allocations would provide a second and third local FM assignment to Christiansted. This action is taken in response to separate petitions filed by John T. Galanes and by Minority International Enterprises.

DATE: Effective December 4, 1981.

ADDRESS: Federal Communications
Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Nancy V. Joyner, Broadcast Bureau,
(202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations. (Christiansted and Frederiksted, Virgin Islands), BC Docket No. 81-284, RM-3696, RM-3822, RM-3927, RM-3928.

Report and Order—Proceeding
Terminated

Adopted: September 28, 1981.

Released: October 5, 1981.

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 25662, published May 8, 1981, proposing the assignment of Class B FM Channel 262 to Christiansted, St. Croix, Virgin Islands, as that community's second local FM channel; in response to separate petitions filed by John T. Galanes ("Galanes") and by Minority International Enterprises ("MIE").¹ The

¹ In our *Notice*, we advised that Channel 262 and 263 as proposed by Galanes and MIE, respectively, could not both be assigned to Christiansted due to minimum distance separation considerations. The Commission's rules require a separation of 105 miles between first adjacent Class B FM channels. Section 73.207(a). Since both petitioners were seeking the new channel as a second FM service to Christiansted, we proposed assigning only Channel 262, but advised that a staff study indicated the

Continued

Notice also proposed to reassign Channel 291 from Christiansted to Frederiksted to reflect its actual usage there. In response to our *Notice*, comments and a counterproposal were filed by Virgin Islands Broadcasting Corporation,² ("VIBC"), licensee of AM Station WSTX in Christiansted, as well as by Galaneses.³ Comments were also filed by MIE, and Joseph Bahr ("Bahr"), licensee of Station WVIS-FM (Channel 291) in Frederiksted, filed an opposition and supplement thereto. Galaneses filed reply comments.

2. Christiansted (population 3,020),⁴ is located in the Company quarter (population 7,360), of the Island of St. Croix (population 31,779), in the United States Virgin Islands. It is currently served locally by FM Station WIVI (Channel 258) and full-time AM Station WSTX. Channel 291 is also assigned to Christiansted, but is licensed to Station WVIS at Frederiksted, also located on St. Croix.

3. In his supporting comments and counterproposal, Galaneses reaffirmed his intention to apply for and construct an FM station at Christiansted, if a channel is assigned. Additionally, he proposes that Channel 236 could also be assigned so as to avoid a comparative hearing, inasmuch as another interest had been expressed in an assignment to Christiansted by MIE. He points to the dramatic growth of St. Croix and Christiansted specifically as justification for an additional channel. In further justification of his request, Galaneses states that the Island of St. Croix should be considered as the "community" rather than the individual cities of Christiansted and Frederiksted since they collectively comprise only 12% of the island's population, and have no governing body. Also, he states that a Class B FM station would cover the entire island, due to its size, regardless of the city to which it is licensed. He further advises that the "population of St. Croix has grown to the point where Commission policy would normally assume a need for four FM channels."

4. In its comments and counterproposal, VIBC suggests that we assign as many channels to Christiansted as there are prospective applicants, since to do otherwise would necessarily force a comparative hearing

availability of several other channels. We stated that if either petitioner wished to pursue a third assignment to Christiansted, we would consider additional assignments at that time.

²Public Notice of this petition was also given July 17, 1981, in Report No. 1299 (RM-3927).

³Public Notice of this petition was also given July 17, 1981, in Report No. 1299 (RM-3928).

⁴Population figures are extracted from the 1970 U.S. Census.

among competing applicants and thereby possibly deprive residents of the area from receiving diversified services. Further, it states that if an uncontested channel is assigned, it will apply for authority to build and operate a station in Christiansted.

5. MIE, which had previously petitioned for the assignment of Channel 263 to Christiansted, filed comments in response to Galaneses' comments and counterproposal, in which it states that it has not filed for nor authorized anyone on its behalf to petition for another FM channel at Christiansted. Therefore, in response to this assertion, its petition in RM-3822 will be dismissed.

6. In response to Galaneses' comments and counterproposal, Bahr opposes the request to add any additional channels to Christiansted other than that initially requested (Channel 262), as contrary to established Commission Rules. Further, in a supplemental opposition, Bahr opposes the proposal based on the economic impact that the proposal could have on his Station WVIS-FM in Frederiksted. He urges that his license be modified to specify Christiansted as the city of license rather than Frederiksted, and urges that is a new assignment is made to St. Croix that it be made to Frederiksted.

7. In reply comments, Galaneses states that the Bahr opposition should be rejected as untimely filed.⁵ However, he responded to the opposition and stated that Bahr did not specifically address any of the relevant topics of his proposal, nor cite any rules or precedent in support of his allegations. Those comments also challenge MIE's initial proposal since, Galaneses states, MIE did not make an effort to reaffirm an interest in prosecuting an application for a new station on St. Croix.

8. In response to Galaneses' counterproposal requesting that the Commission consider St. Croix as the "community", rather than the individual cities of Christiansted and Frederiksted, in an attempt to justify assigning a total of four channels, we note that the Commission, in initially assigning two channels to Christiansted, was convinced that it is a community as that term is defined in relation to our FM channel policies. As stated in *Naples, Florida, et al.*, 41 RR 2d 1549 (Broadcast Bureau, 1977) " * * * the term community means a specific locality, with defined boundaries where the residents share common interests."

⁵ Bahr's opposition was filed after the cut-off date for receipt of comments and those is untimely filed. However, we will treat it as an informal objection since no party will be prejudiced and Galaneses responded to the filing.

Also, Galaneses' own community data reveals that the St. Croix Chamber of Commerce is located in Christiansted, as well as other community resources such as a library, post office, police headquarters, a hospital, shopping centers, churches and recreational facilities. Thus, we find that Christiansted, as a recognizable community, is also the appropriate location for additional channel assignments, particularly in view of the expressions of interest at that community.

9. In addition to the channel proposed in our *Notice* (Channel 262), we will assign one additional channel in response to the interest expressed by VIBC.

10. In response to Bahr's comments, if he wishes to have the license for Station WVIS-FM (Channel 291) changed to specify Christiansted instead of Frederiksted, he could file an application to do so. In order to permit him to do so, we will not reassign Channel 291 to Frederiksted from Christiansted.

11. As for his request that any new assignment be made to Frederiksted rather than to Christiansted, we note that no interest has been expressed by any party for an assignment to Frederiksted, and absent a showing of interest and need, we will not make such an assignment.

12. As Bahr's concern is actually with the possible economic impact which potentially competitive assignments could have on his station, it is noted that such a matter should be raised at the application stage where it would be more feasible to investigate and consider the merits of various allegations, rather than in a rule making proceeding. See, *Beaverton, Michigan*, 44 RR 2d 55 (1978). At the assignment stage of the allocations process, we do not consider issues unrelated to the question of a particular community's need for additional broadcast service. See also, *Ponce, Puerto Rico*, 47 RR 2d 210 (1980), and *Staunton, Virginia*, 46 RR 2d 1571 (1980).

13. Christiansted's population would normally warrant the assignment of two FM channels. However, we believe that it is appropriate to exceed our general population guidelines here due to the numerous channels presently available in the area and the stated expressions of interest. Additionally, since the preclusion impact would be insubstantial and a need has been demonstrated for additional services, we believe it would be in the public interest to make the requested assignments.

14. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules; it is ordered, that effective December 4, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended as follows:

| City | Channel No. |
|-------------------------------|---------------------|
| Christiansted, Virgin Islands | 236, 258, 262, 291. |

15. It is further ordered, that the petition of Minority International Enterprises (RM-3822), proposing the assignment of a Class B FM channel to Christiansted, Virgin Islands, is hereby dismissed.

16. It is further ordered, that this proceeding is terminated.

17. For further information concerning the above, contact Nancy Joyner, Broadcast Bureau (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission,
Marlin Blumenthal,
Acting Chief, Policy and Rules Division,
Broadcast Bureau.

[FR Doc. 81-29774 Filed 10-14-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 80-136; RM-2910; RM-2939; RM-3281; RM-3302; FCC 81-461]

Amateur Radio Service Identification Requirements

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document requires amateur radio station identification at the end of a transmission and every 10 minutes or less during a communication, and deletes the requirement that amateur radio stations identify the station with which they were in contact, except in international third party traffic. Where international third party traffic is concerned, the rules adopted would require that the foreign station's call sign be given even when teleprinter communications are involved. This action was taken in response to four petitions for rulemaking which requested the Commission to take action to simplify the amateur radio station identification requirements.

DATE: Effective October 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.
FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, D.C. 20554, (202) 632-4964, Room 5218.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 97.84(a) of the Amateur Radio Service rules, PR Docket No. 80-136, RM-2910, RM-2939, RM-3281, RM-3302.

Report and Order—Proceeding Terminated

Adopted: October 1, 1981.

Released: October 7, 1981.

1. On March 31, 1980, the Commission adopted a Notice of Proposed Rule Making in this proceeding which was published in the Federal Register on April 15, 1980 (45 FR 25418). The proposal was to delete the requirement that amateur radio stations identify the station with which they were in contact. Transmissions involving international third party communications were not included within the scope of the proposed rule amendment. At the end of an exchange of third party communications with an amateur station located in a foreign country, an amateur radio station must give the call sign of the station with which communications were exchanged. In addition, where international third party traffic is concerned, the proposed rule amendment would require that the foreign station's call sign be given even when teleprinter communications are involved. Heretofore, teleprinter communications have been excluded from the requirement to give the other station's call sign. The dates for the filing of comments and reply comments in this proceeding were July 16, 1980 and August 15, 1980, respectively.

2. The Commission received approximately forty comments in this proceeding. Of these, only seven comments were opposed. Additional support was received from more than 250 persons who signed petitions fully supporting the proposed rule amendment, but who did not discuss its merits.

3. Persons who filed supporting comments said that elimination of the requirement to give the other station's call sign would reduce channel congestion. They believed that the requirement was redundant and wasted time on the air. Many of the comments expressed approval of this rule simplification. Those in agreement with the amendment believed that amateur contest entrants would benefit from the relaxation of the identification requirement since they could make a

greater number of contacts in the same amount of time. The comments noted that because of the rule amendment there would be increased air time in times of emergency. Proponents also said that the Amateur Radio Service was being given the break that other radio services already have in not giving the other station's call sign. Mr. Roy C. Koeppe, K6XX, of Tulare, California, also noted:

This (the rule amendment) would streamline network operation and increase the efficiency of the networks. Many network "roll call" periods are awkward in that recitation of many calls on long lists are doubled by the requirement to say two calls.

Mr. Wayne K. Irwin, WA1RRZ, of Cromwell, Connecticut, summed the matter up this way:

Simplification of the rules to the extent that you propose by eliminating the need to identify the station being called would certainly cut down on the amount of time required to give station identification properly.

Our proposal to continue the requirement for giving the other station's call sign, where international third party communications are involved, also met with favorable response.

4. The few comments that were received that opposed the rule amendment held that there was nothing inconvenient about giving the other station's call sign; that, even in "contesting" situations, there is no need for rule simplification, as a trained operator with good timing should be able to give both calls and still make about six contacts a minute; and that, for FCC monitoring purposes, the requirement should be left "as is." The Birmingham Amateur Radio Club, Inc., did not see any need to include teleprinter communications in those international third party communications which would require that the other station's call sign be given. It felt that this was adding a requirement where none was in place before.

5. Mr. Robert Gonsett, WA6QQQ, of Encinitas, California, wanted our proposal to go further and cut deeper. He believed that any exchange of transmissions lasting less than one minute should be exempt from the end-of-transmission identification requirement. He also suggested that the requirement to identify every ten minutes in an ongoing series of transmissions should be relaxed to specify a 20-30 minute interval.

6. The American Radio Relay League, Inc. (ARRL) supported the proposed rule amendment, in principle. It said that the

changes would make the operation more efficient and convenient, and save air time for stations engaged in emergency communications and other forms of high volume radio traffic. ARRL also said that sufficient identification requirements were retained to facilitate observation by Commission monitoring personnel and to preserve the effective self-regulating activities of the amateur radio operators. ARRL suggested that there be a single identification at any point during the communications for very brief communications; for example, those lasting less than 30 seconds.

7. We believe that the public interest will be served by adopting the rule amendment substantially as proposed. Relaxation of the requirement to give the other station's call sign will be beneficial to amateur radio station licensees, and, at the same time, will contribute to the most efficient use of those frequencies allocated to the Amateur Radio Service. Since every amateur radio station will still be required to identify its own transmissions, this rule amendment will not adversely affect our monitoring activities or enforcement program. This rule will not preclude giving the other station's call sign on a voluntary basis if the amateur radio operator wishes to do so. Continuing to require U.S. amateur stations engaging in international third party traffic to also give the foreign station's call sign will aid our monitors in determining if the other station is in a country which has an agreement with the United States for third party traffic. This should help discourage the exchange of third party traffic with countries where there is no agreement in effect. Including teleprinter communications within this latter requirement will, as we pointed out in the Notice, further strengthen the Commission's enforcement mechanism, and will not, to any significant degree, impact the licensee. We reject Mr. Gonsett's suggestion to lengthen series-transmission identification to 20 or 30 minute intervals since it would increase the time our monitors would have to listen to get the identification of a violating station.

8. Although we proposed that each amateur radio station be required to give its call sign when it begins or ends each single transmission or exchange of transmissions, and at least every 10 minutes during a transmission, the preponderance of the comments called for simplification of the identification requirement to the extent possible. To this end, the rule amendment we are adopting requires identification only at the end of the transmissions, and every

10 minutes or less during a communication. Stations engaging in communications of brief duration will benefit from end-of-transmission identification only.

9. Since these amendments relieve a restriction, they may become effective before thirty days as required by Section 553(d) of the Administrative Procedure Act. Accordingly, it is ordered, that effective October 23, 1981, Part 97 of the Commission's rules is amended as shown in the attached Appendix, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended. It is further ordered, that this proceeding is terminated and the docket is closed. Information in this matter may be obtained from Maurice J. DePont, Personal Radio Branch, at (202) 632-4964.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

William J. Tricarico.

Secretary.

Appendix

PART 97—AMATEUR RADIO SERVICE

Part 97 of the Commission's rules is amended as follows:

In § 97.84, paragraph (a) is revised and paragraph (h) is added to read as follows:

§ 97.84 Station identification.

(a) Each amateur radio station shall give its call sign at the end of each communication, and every ten minutes or less during a communication.

* * * * *

(h) At the end of an exchange of third party communications with a station located in a foreign country, each amateur radio station shall also give the call sign of the station with which third party communications were exchanged.

[FR Doc. 81-28894 Filed 10-14-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs
Administration Materials
Transportation Bureau

49 CFR Parts 172

[Docket No. HM-126A; Amdt. Nos. 172-71]

Identification Numbers Requirement; Extension of Compliance Date

AGENCY: Materials Transportation
Bureau (MTB), Research and Special
Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: Section 172.336(c)(8) of the Department's Hazardous Materials Regulation specifies that identification numbers are not required on orange panels or placards displayed on portable tanks, cargo tanks and tank cars containing hazardous materials prior to November 1, 1981. A petition has been received from the National Oil Jobbers Council (NOJC) requesting that an additional 60 days be provided for compliance with the rule. Also, MTB recently learned that it is likely that all orders for these materials, which are necessary for compliance, may not be filled by November 1, 1981. The MTB is changing that date to January 1, 1982.

EFFECTIVE DATE: October 13, 1981.

FOR FURTHER INFORMATION CONTACT:

Lee E. Metcalfe, Regulations
Development Branch, Standards
Division, Materials Transportation
Bureau, Department of Transportation,
Washington, D.C. 20590. (202-426-2075).

SUPPLEMENTARY INFORMATION: Final regulations issued on May 22, 1980 (45 FR 34560), and amended on November 10, 1981 at 45 FR 74640, require the display of identification numbers (with certain exceptions) on orange panels or placards displayed on portable tanks, cargo tanks and tank cars containing hazardous materials beginning November 1, 1981. A petition has been received from the National Oil Jobbers Council (NOJC) requesting that an additional 60 days be provided for compliance with the rule.

The NOJC is a federation of 46 State and regional trade associations representing independent small petroleum marketers. According to data provided by NOJC, its members market approximately 50 percent of the gasoline and 90 percent of the home heating oils consumed in the United States.

In its petition, NOJC states that additional time is needed before compliance becomes mandatory to eliminate confusion that exists regarding rules published in Docket HM-126A and their application to the petroleum marketing industry. NOJC supports its request by documenting an apparently widely accepted misunderstanding of the rules, and by reference to recent requests it has submitted to DOT for clarification.

In addition, while attempting to monitor the availability of placards and panels from various suppliers, MTB recently learned that it is likely that all orders for these materials, which are necessary for compliance, may not be filled by November 1, 1981. This supply problem seems to be associated with the

fact that certain shippers have waited more than fifteen months to place their orders for placards and panels.

In order to assure that there are adequate stocks of placards and panels necessary to comply with the rule, and because MTB believes the NOJC petition has merit, an extension of two months is being provided.

**PART 172—HAZARDOUS MATERIALS
TABLES AND HAZARDOUS
MATERIALS COMMUNICATIONS
REGULATIONS**

§ 172.336 [Amended]

In consideration of the foregoing, in paragraph (c)(8) to § 172.336, "November 1, 1981" is revised to read "January 1, 1982."

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under terms of Executive Order 12291 and DOT implementing procedures (44 FR 111034), require modification of the regulatory evaluation associated with this docket, nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.)

Issued in Washington, DC, on October 13, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-29954 Filed 10-14-81; 8:45 am]

BILLING CODE 4910-60-M

Proposed Rules

Federal Register

Vol. 48, No. 199

Thursday, October 15, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 68

Revision to the Standards for Whole Dry Peas and Standards for Lentils

AGENCY: Federal Grain Inspection Service,¹ USDA.

ACTION: Proposed rule.

SUMMARY: In compliance with the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) has reviewed and is proposing changes to the U.S. Standards for Whole Dry Peas and the U.S. Standards for Lentils. In order to facilitate the marketing of dry peas and lentils, FGIS proposes to increase the grade limits for cracked seedcoats 1.5 percent in each grade for the U.S. Standards for Whole Dry Peas and to add a Sample grade limit of 15.0 percent for skinned lentils to the U.S. Standards for Lentils.

DATE: Written comments must be submitted on or before November 16, 1981.

ADDRESS: Comments should be submitted in writing, in duplicate, to Lewis Labakken, Jr., Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127, Auditor's Building, 1400 Independence Avenue, SW, Washington, DC 20250, telephone (202) 447-3910. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Labakken, Jr., telephone 202-447-3910.

¹ Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1621-1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof, has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 681.2(e)).

SUPPLEMENTARY INFORMATION: The U.S. Standards for Whole Dry Peas and the U.S. Standards for Lentils were established under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*). This proposed action has been issued in conformance with Executive Order 12291 and Secretary's memorandum 1512-1. The action has been determined to be nonmajor because the changes are proposed to facilitate the marketing of these commodities by making the standards consistent with current handling practices and enabling U.S. produced peas and lentils to compete more effectively in world markets. The impact of this action is expected to have less than a \$100 million annual effect on the economy, and is not expected to impose any major increase in costs or prices. Kenneth A. Gilles, FGIS Administration, has determined that this proposed action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*) because the action poses no additional duties or obligations to producers, handlers or exporters of whole dry peas and lentils and any impact resulting from the proposed changes is expected to be minor.

A comment period of 30 days is specified in this proposed rule in order that the amended standards may be made effective as close to the 1981-82 marketing year as possible beginning September, 1981.

The periodic review of the U.S. Standards for Whole Dry Peas and Lentils included a determination of the continued need for the standards; a review of changes in marketing factors and functions affecting the standards; a review of changes in technology and economic conditions in the area affected by the standards; and a determination of the potential for improving the standards and their application through the incorporation of grading factors or tests which better indicate end use quality. The objective was to assure that the standards continue to serve the needs of the market to the greatest possible extent. FGIS will continue to study and evaluate the standards to meet the future needs of the industry.

On March 11 and 12, 1981, during the annual meeting of the American Dry Pea and Lentil Association (ADPLA),

possible revisions of the U.S. Standards for Whole Dry Peas and the U.S. Standards for Lentils were discussed by FGIS with growers, processors, dealers and exporters of dry peas and lentils. The ADPLA recommended that the grade limitations for cracked seedcoats shown in § 68.406 of the U.S. Standards for Whole Dry Peas be raised 1.5 percent in each grade. The present limits are: U.S. No. 1, 3.5 percent; U.S. No. 2, 5.5 percent; and U.S. No. 3, 7.5 percent. The proposed limits would be: U.S. No. 1, 5.0 percent; U.S. No. 2, 7.0 percent; and U.S. No. 3, 9.0 percent.

Cracked seedcoats are a grade limiting factor, particularly in yellow peas. Cracked seedcoats are generally not a quality problem in newly harvested peas. During bulk handling of peas by high speed equipment, and processing, storage, and transportation, the percentage of cracked seedcoats increases. Cracked seedcoats further increase with longer periods of storage as the peas become drier.

Smooth yellow dry pea variety have a thin seedcoat which is brittle and, therefore, more susceptible to cracking. The grade limits for cracked seedcoats appear to have hindered yellow pea export sales. Handlers and exporters of whole dry yellow peas have declined to have pea lots officially inspected because the tolerance for cracked seedcoats is viewed by them as being too strict.

It has been concluded that a 1.5 percent increase in grade limits for cracked seedcoats will not have a detrimental effect on the end use quality of peas for canning. The visual quality of the canned product should not be appreciably changed, and the food value of the processed product will not be affected.

Increasing the cracked seedcoat limits by 1.5 percent in each grade in the U.S. Standards for Whole Dry Peas is proposed to facilitate the marketing of dry peas, and to reflect current conditions of handling, storing, and transporting whole dry peas.

The ADPLA also recommended that Sample grade requirements be set for skinned lentils in the U.S. Standards for Lentils. The ADPLA suggested that lentils containing more than 15.0 percent skinned lentils should be designated U.S. Sample grade.

Skinned lentils are currently defined in the U.S. Standards under § 68.601(1)

[7 CFR 68.601(1)]. However, limits for skinned lentils are not specified in the U.S. Standards. Applicants may request that the percentage of skinned lentils be determined and the results would be shown in "remarks" section of the grade certificate.

Skinned lentils are generally not a problem in most years. Occasionally, a shipment may have a substantial percentage of skinned lentils depending on the moisture content, variety and the handling of the lot.

Under the present standards, a shipment of lentils containing a substantial percentage of skinned lentils may grade U.S. No. 1 Lentils. When this shipment is received by the buyer, a complaint may arise that the quality of the shipment is not comparable to other U.S. No. 1 Lentils.

The addition of a Sample grade limit of 15.0 percent skinned lentils is proposed to ensure the high quality of U.S. dry lentils, to minimize complaints due to this factor, and to facilitate the marketing of lentils.

The 1981 publication of the Code of Federal Regulations contained certain printing errors in the table for the Grades and grade requirements for dockage-free dry peas (7 CFR 68.406). These printing errors were corrected in the August 14, 1981 Federal Register (46 FR 41020). Previous copies of the Code of Federal Regulations and the booklet of the United States Standards for Whole Dry Peas, Split Peas and Lentils (effective July 1, 1974) are current and correct.

Accordingly, it is proposed that the U.S. Standards for Whole Dry Peas, § 68.406, Grades and grade requirements for dockage-free peas be amended to increase the maximum limits for peas with Cracked seedcoats by 1.5 percent in each of the numerical grades, U.S. No. 1, U.S. No. 2, and U.S. No. 3.

It is also proposed that the U.S. Standards for Lentils, § 68.607, Grades and grade requirements for dockage-free lentils be amended to add a grade limit for skinned lentils to the requirements for Sample grade. The proposed grade limit states that samples containing more than 15.0 percent skinned lentils shall be U.S. Sample grade.

Further, the proposal, if adopted would make a limited number of minor changes to the format of the tables which appear in § 68.406 and 68.607.

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

The proposed amendments are as follows:

Grades, Grade Requirements, and Grade Designations

§ 68.406 Grades and grade requirements for dockage-free dry peas. (See also § 68.408.)

| | Maximum limits of— | | | | | | | | Foreign material (per-cent) | Minimum require-ments for color |
|-------------------------|-------------------------------|-------------------------------|----------------------------|----------------------------|----------------------------|-----------------------|----------------------------|---|-----------------------------|---------------------------------|
| | Defective peas | | | | | | | | | |
| | Wool-dam-aged peas (per-cent) | Heat-dam-aged peas (per-cent) | Dam-aged peas * (per-cent) | Other classes * (per-cent) | Bleached peas * (per-cent) | Split peas (per-cent) | Shriv-eled peas (per-cent) | Peas with cracked seed-coats (per-cent) | | |
| U.S. No. 1 ⁴ | 0.3 | 0.2 | 1.0 | 0.3 | 1.5 | 0.5 | 2.0 | 5.0 | 0.1 | Good. |
| U.S. No. 2 ⁴ | 0.8 | 0.5 | 1.5 | 0.8 | 3.0 | 1.0 | 4.0 | 7.0 | 0.2 | Good. |
| U.S. No. 3 ⁴ | 1.5 | 1.0 | 2.0 | 1.5 | 5.0 | 1.5 | 8.0 | 9.0 | 0.5 | Poor. |

U.S. Sample grade—U.S. Sample grade shall be dry peas which:

- Do not meet the requirements for the grades U.S. Nos. 1, 2, or 3; or
- Contain metal fragments, broken glass, or a commercially objectionable odor; or
- Contain more than 15.0 percent moisture; or
- Are materially weathered, heating, or distinctly low quality; or
- Are infested with live weevils or other live insects.

⁴ Uniformity of Size requirements—Dry peas of any of the numerical grades shall be of such size that not more than 3.0 percent shall pass through the appropriate oblong-hole sieve as follows:

| Peas | Appropriate sieve |
|----------------------------|-------------------|
| Winter Dry Peas | 1/16 x 3/8 |
| Special grade "Small" peas | 1/16 x 3/8 |
| All other peas | 1/16 x 3/8 |

* Damaged peas do not include wool-damaged or heat-damaged peas.

* These limits do not apply to the class Mixed Dry Peas.

* These limits do not apply to winter field peas and wrinkled peas.

* As applied to dockage-free whole dry peas, the meaning of the term "infested" is set forth in chapter 3 of Inspection Handbook HB-1.2.

2. It is proposed to revise 7 CFR 68.607 to read as follows:

Subpart H—U.S. Standards for Lentils¹

Grades, Grade Requirements, and Grade Designations

§ 68.607 Grades and grade requirements for dockage-free lentils. (See also § 68.609.)

| Grade | Maximum limits of— | | | | | Minimum requirements—color |
|------------|--------------------|--------------------------------|--------------------------------|------------------|------------------|----------------------------|
| | Defective lentils | | | Foreign material | | |
| | Total (percent) | Wool-damaged lentils (percent) | Heat-damaged lentils (percent) | Total (percent) | Stones (percent) | |
| U.S. No. 1 | 2.0 | 0.3 | 0.2 | 0.2 | 0.1 | Good. |
| U.S. No. 2 | 3.5 | 0.8 | 0.5 | 0.5 | 0.2 | Fair. |

U.S. Sample grade—U.S. Sample grade shall be lentils which—

- Do not meet the requirements for the grades U.S. Nos. 1 or 2; or
- Contain more than 14.0 percent moisture, live weevils or other live insects, metal fragments, broken glass, or a commercially objectionable odor; or
- Are materially weathered, heating, or distinctly low quality; or
- Contain more than 15.0 percent skinned lentils.

(Sec. 203(c), (h), Pub. L. 79-733, 60 Stat. 1087 (c), (h), (7 U.S.C. 1622 (c), (h)))

² Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal Laws.

Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act, or other Federal laws.

1. It is proposed to revise 7 CFR 68.406 to read as follows:

Subpart F—U.S. Standards for Whole Dry Peas²

Dated: September 25, 1981.

Kenneth A. Gilles,
Administrator.

[FR Doc. 81-29642 Filed 10-14-81; 8:45 am]

BILLING CODE 3410-EW-M

Agricultural Marketing Service**7 CFR Part 1093**

[Docket No. AO-386]

Milk in the Alabama-West Florida Marketing Area; Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Marketing Agreement and Order**AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Extension of time for filing exceptions.

SUMMARY: This action extends the time for filing exceptions to a recommended decision concerning the establishment of a Federal milk order for the proposed Alabama-West Florida marketing area. Counsel for Beatrice Foods Company, which operates four milk plants in Alabama, requested additional time to complete an analysis of the decision.

DATE: Exceptions are now due on or before October 26, 1981.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-5443.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of hearing: Issued May 20, 1980; published May 23, 1980 (45 FR 35168).

Recommended Decision: Issued September 8, 1981; published September 11, 1981 (46 FR 45542).

Notice is hereby given that the time for filing exceptions to the above listed recommended decision is hereby extended to October 26, 1981.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on October 9, 1981.

Eddie F. Kimbrell,

Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-29880 Filed 10-14-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION**10 CFR Part 50****Emergency Planning and Preparedness for Production and Utilization Facilities; Correction****AGENCY:** Nuclear Regulatory Commission.**ACTION:** Notice of proposed rulemaking; correction.

SUMMARY: This document corrects a proposed rule appearing in the Federal Register on September 21, 1981 (46 FR 46587), that would extend the date by which prompt public notification systems must be operational around all nuclear power plants. The action is necessary to correct a printing error and resolve an inconsistent reference to a deadline date.

FOR FURTHER INFORMATION CONTACT:

Brian K. Grimes, Director, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (Telephone: 301-492-4614).

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. On page 46588, in the second sentence of the first full paragraph in the second column, the word "insignificant" should read "significant."

2. On page 46589, in the first line of the second column, "one year" should read "seven months."

Dated at Bethesda, Maryland, this 2d day of October, 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-29909 Filed 10-14-81; 8:45 am]

BILLING CODE 7590-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE**12 CFR Part 1204**

[Docket No. D-0023]

Short-Term Time Deposit Instruments**AGENCY:** Depository Institutions Deregulation Committee.**ACTION:** Proposed rulemaking.

SUMMARY: The Depository Institutions Deregulation Committee (the "Committee") is considering amending

its rules to establish a new short-term deposit instrument that would enable federally insured commercial banks, mutual savings banks, and savings and loan associations to compete more effectively for short-term funds. The Committee requests comments on the desirability of authorizing a new short-term deposit instrument and, in particular, comments on the following instruments: (1) a \$5,000 minimum denomination transactions account with no interest rate ceiling; (2) a \$10,000 minimum denomination 91-day account with a 14-day required notice for withdrawal thereafter, and a floating interest rate tied to the 13-week Treasury bill discount rate; and (3) a \$25,000 minimum denomination account with no interest rate ceiling and a 1-day notice requirement. The Committee also requires comments or ideas on any other short-term instrument or combination of instruments which respondents believe would be desirable.

DATE: Comments must be received by November 16, 1981.

ADDRESS: Interested parties are invited to submit written data, views, or arguments concerning the proposed rules to Steven L. Skancke, Executive Secretary, Depository Institutions Deregulation Committee, Room 1054, Department of the Treasury, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220. All material submitted should include the Docket Number D-0023 and will be available for inspection and copying upon request, except as provided in § 1202.5 of the Committee's rules regarding Availability of Information (12 CFR 1202.5).

FOR FURTHER INFORMATION CONTACT:

David Ansell, Attorney, Office of the Comptroller of the Currency (202/447-1880); F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4324); Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377-0448); Paul S. Pilecki, Senior Attorney, Board of Governors of the Federal Reserve System (202/452-3281); Randall J. Millor, Acting Director, Office of Policy Analysis, National Credit Union Administration (202/357-1090); or Allan Schott, Attorney-Adviser, Treasury Department (202/568-6798).

SUPPLEMENTARY INFORMATION: The Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96-221; 12 U.S.C. 3501 *et seq.*) ("Act") was enacted to provide for the orderly phaseout and ultimate elimination of the limitations on the maximum rates of interest and dividends that may be paid on deposit accounts by depository institutions as

rapidly as economic conditions warrant. Under the Act, the Committee is authorized to phase out interest rate ceilings by any one of a number of methods including the creation of new account categories not subject to interest rate limitations or with interest rate ceilings set at market rates of interest.

At its June 25, 1981 meeting, the Committee considered the issue of short-term time deposit instruments and decided to request public comments on the desirability of authorizing a new deposit instrument having characteristics similar to money market mutual funds (MMFs). 44 FR 36712 (July 15, 1981). The Committee did not put forth a specific proposal at that time. Over 400 comments were received by the Committee on this issue. (An analysis of the comments is contained in the DIDC staff paper "Proposals to Change the Method of Calculating the Ceiling Rate on MMCs and Consideration of Creation of a New Short-Term Deposit Instrument", September 16, 1981 which is available upon request from the Executive Secretary of the Committee). Approximately half of the respondents favored creation of a new short-term instrument and half were opposed. Those against the authorization of a new short-term instrument, generally thrift institutions, argued that the higher costs associated with a new deposit instrument and the potential shifts from savings accounts would add to their current earnings problem.

At its September 22, 1981 meeting, the Committee decided to solicit comments on several new deposit alternatives so that the public would have an opportunity to present their views on the instruments under consideration. In light of the previous comment period on the same issue and the desire to consider this issue at the December 16, 1981 meeting, the Committee believes that a period of 30 days is sufficient time for public comment on the current proposal.

The Committee has considered the potential effect on small entities of the proposal to establish a new short-term instrument, as required by the Regulatory Flexibility Act (5 U.S.C. 603 *et seq.*). In this regard, the Committee's action would not impose any new reporting or recordkeeping requirement. Consistent with the Committee's statutory mandate to eliminate deposit interest rate ceilings, this proposal

would enable all depository institutions to compete more effectively in the marketplace for short-term funds. Depositors generally should benefit from the Committee's proposal, since the new instrument would provide them a market rate of return. If low-yielding deposits shift into the new account, depository institutions might have increased costs as a result of this action. However, their competitive position *vis-a-vis* nondepository competitors would be enhanced by their ability to offer a competitive short-term instrument at market rates. The new funds attracted by the new instrument (or the retention of deposits that might otherwise have left the institution) could be invested at a positive spread and would therefore at least partially offset the higher costs associated with the shifting of low-yielding accounts.

In structuring a regulation authorizing a new short-term instrument, the relevant variables for the Committee to consider are yield, minimum denomination, maturity, and transactions characteristics. At one extreme, the creation of an account with no interest rate ceiling, no minimum denomination, no minimum maturity requirement and a transactions capability, would provide depository institutions with an instrument which would be competitive with MMF shares, and would thereby help stem deposit outflows and indeed might induce deposit inflows. Such an account could also result in substantial shifting of deposit funds from low-yield deposit accounts, resulting in increased costs to depository institutions. The introduction of another interest-bearing transaction account could also have an adverse effect on the conduct of monetary policy.

Creation of an account with a high minimum denomination and/or a longer term-to-maturity, however, might minimize shifting, but would be less competitive with MMFs and therefore less effective in attracting new deposits. In creating any short-term deposit category, major factors that must be taken into account include potential operational problems; the effect on earnings of depository institutions and the competitive viability of the instrument.

Because of the need to consider all of the variables discussed above, the Committee requests comments concerning desirable short-term instrument characteristics. In particular,

the Committee requests comments on the following aspects of a new short-term instrument:

(a) What should be the minimum denomination requirement on the short-term instrument?

(b) Should the account be ceilingless or indexed to market rates? Should the ceiling be equal to the market rate? Should the institution be allowed to offer a floating rate?

(c) If indexed, should the regulation include a thrift-commercial bank interest rate ceiling differential?

(d) Should a minimum maturity or notice requirement be imposed on the account?

(e) Should third-party transfers be permitted? [Federal Reserve Board Regulation D (12 CFR Part 204) stipulates that the account would be subject to higher reserve requirements than for other time deposits if the institution permits more than three transfers per month to another account or a third party.] Should transfers be limited by regulation to some minimum number per month?

(f) Should the eligibility for this account be restricted in any way, for example, to individuals only?

(g) What is the preferred combination of the above features?

(h) Is the authorization of a short-term instrument with characteristics similar to MMF shares desirable at this time? What would be the impact of introducing such an instrument on the earnings of depository institutions?

(i) Would an alternative to a short-term instrument, such as lowering the minimum denomination on MMCs, be preferable to introducing a new short-term instrument at this time?

As an example of how the minimum denomination, maturity and transaction features of a short-term account might be combined, the Committee has developed three specific proposals. Comments are requested on the desirability of each of these instruments, including the operational feasibility, the cost implications, and the expected benefits to be provided by the instruments. These comments should address the proposals, both individually and in relation to one another, as well as any other proposed instruments.

(1) A \$5,000 minimum denomination transaction account with no interest rate ceiling.

If the balance on this account falls below \$5,000 at any time during a

monthly period, the maximum rate payable on this account would be reduced for the period to the rate in effect for NOW accounts (currently 5¼%). Any withdrawals, including transfers to third parties, could be made only in amounts of \$500 or more. It should be noted that if a depository institution would elect to permit more than three transfers per month to another account or to a third party, the instrument would be subject to transaction account reserve requirements as stipulated by Federal Reserve Regulation D.

In addition to addressing the desirability of the above account, respondents are requested to address the following questions:

(a) What would be the effect of this account on deposit flows (both on the expected inflows and internal shifts of funds) and on the earnings of depository institutions?

(b) Should the minimum withdrawal amount be smaller or larger?

(c) Should there be an interest rate ceiling on this account? If so, should the ceiling rate be indexed to a market rate such as the yield on 30-day Treasury bills? Should institutions be given the option of using a moving average of past T-bill rates as an interest rate ceiling? Should a thrift-commercial bank ceiling differential be imposed?

(d) Should the number of third-party transfers be limited? If so, how many transfers per month should be permitted?

(2) A \$10,000 minimum denomination time deposit with an initial maturity of 91 days and a 14-day notice period thereafter, and an interest rate ceiling tied to the 13-week Treasury bill discount rate.

It would be the institution's option to offer this instrument with the interest rate fixed for periods of 91 days or on a floating rate basis (e.g., set daily or weekly). Depositors would be required to keep their funds on deposit for at least 91 days. Depositors could maintain funds in the account after the initial maturity of 91 days, and the withdrawal of those funds would be subject to a 14-day notice requirement. Under this option the institution could offer a fixed or floating rate on the account for the initial 91 days, and a floating rate thereafter. No additions to this account or partial withdrawals from principal would be permitted, and the account would not be permitted to function as a transaction account.

In addition to commenting on the desirability of authorizing such an account, respondents are requested to address the following issues:

(a) Would this account serve to lessen the outflow of deposits at depository institutions? Would there be substantial shifting from other accounts within the same institution? How effective would the new account be in attracting new funds? What would be the effect on earnings?

(b) Should depository institutions be given the option of using a moving average of past T-bill rates as an interest rate ceiling? Should there be a differential between the thrift and commercial bank ceilings? Should the account have a ceiling rate at all?

(c) Should additions or partial withdrawals be permitted after the initial 91-day maturity? If partial withdrawals are permitted, should the balance in the account be permitted to fall below \$10,000? Should there be a minimum withdrawal amount, such as \$500? Would it be preferable to structure the account so that additional deposits after the first \$10,000 would reset the 91-day initial maturity?

(e) Should the 14-day notice period be required or should depository institutions be permitted to establish alternative maturity dates at least 14 days apart?

(3) A \$25,000 minimum denomination account with no interest rate ceiling, a minimum 1-day notice requirement, and no additions or withdrawals.

Comments are requested on the general desirability of this account as well as on the following specific issues:

(a) What is the estimated effect of this account on deposit flows (both in terms of internal shifts and expected inflows of deposits) and on earnings?

(b) Would a notice requirement of a different length be preferred: seven days? fourteen days? more than fourteen days? Should the imposition of the notice requirement be at the institution's option, similar to the current rules on passbook accounts?

(c) Should there be an interest rate ceiling? If so, should there be a bank-thrift differential? Should depository institutions be given the option of using a moving average of past market rates as a ceiling?

In addition to addressing the specific short-term instrument proposals, above the Committee requests comments on whether or not a new short-term deposit instrument should be introduced at this time. Respondents are requested to specify their relative preferences for the above instruments, and what modifications, if any, would be desirable.

By order of the Committee, October 9, 1981.

Stevens L. Skancke,
Executive Secretary.

[FR Doc. 81-29837 Filed 10-14-81; 8:45 am]
BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-ASW-46]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Austin, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area at Austin, Texas. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing new instrument approach procedures to the Lakeway Airpark, Austin, Texas. This action is necessary to provide protection for aircraft executing new instrument approach procedures to the Lakeway Airpark using the Austin VORTAC and RNAV procedures. Coincident with this action, the airport is changed from visual flight rules (VFR) to instrument flight rules (IFR).

DATES: Comments must be received on or before November 16, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mount Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G § 71.181 as republished in the Federal Register on January 2, 1981 (46

FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area at Austin, Texas, will necessitate an amendment to this subpart. This amendment will be required at Austin, Texas, since there are proposed IFR procedures to the Lakeway Airpark.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-46." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to

amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Austin, Texas

and within a 6.5-mile radius of the Lakeway Airpark (Latitude 30°21'30"N., Longitude 97°59'46"W.) and within 2.5 miles each side of the 349° bearing from the Lakeway Airpark extending from the 6.5 mile radius area to 8.5 miles north; and within 3 miles each side of the 284° bearing from the Lakeway Airpark extending to 13 miles west of the Lakeway Airpark.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1055(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Texas, on October 2, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-29636 Filed 10-14-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 81-ANE-15]

Designation of Restricted Area R-4102; Fort Devens, MA.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate new Restricted Area R-4102, located in the Fort Devens area, Fitchburg, MA. The proposed joint use restricted area would provide adequate protected airspace for controlled firing ranges necessary to accommodate mandatory training requirements for the U.S. Army, Army National Guard, and Army Reserve units. This restricted area would save considerable time, cost, and energy requirements by not transporting these units to other areas in the United States for training.

DATE: Comments must be received on or before November 16, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA

New England Region, Attention: Chief, Air Traffic Division, Docket No. 81-ANE-15, 12 New England Executive Park, Burlington, MA 01803.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ANE-15." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal

Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 73.41 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to designate new Restricted Area R-4102, Fort Devens, Fitchburg, MA. The proposed joint use restricted area would provide adequate protected airspace for controlled artillery/mortar firing necessary to accommodate mandatory National Defense training for the U.S. Army, U.S. Army National Guard, and U.S. Army Reserve units. Training will normally be conducted on Friday and Saturday, and other times as per NOTAM. The designation of the proposed joint use Restricted Area R-4102 is necessary in order to enhance air safety during the conduct of this training. Since the controlling agency would be the Federal Aviation Administration (FAA), but the U.S. Army and the public would be assured of adequate air traffic control safety measures.

The original proposal was circularized for comment on July 18, 1980. Forty-three letters objecting to the proposal were received; 24 objections cited safety hazards to air traffic; 10 objected to restricting the airspace; eight voiced economic reasons, and one letter discussed "environmental issues." Additionally, eight meetings were held with interested user groups because the Fitchburg, Shirley, and Minute Man Airports are impacted by the proposed R-4102.

As a result of those meetings, in an attempt to reach an agreement that would be acceptable to all sides, the following procedural/regulatory changes have been or will be made:

1. VOR Federal Airway V-99 will be relocated eastward to provide a new arrival route to the Boston, MA, terminal area.

2. An additional instrument approach to Fitchburg Airport has been developed that will be used when R-4102 is in use.

3. The "missed approach" procedure at Minute Man Airport will be changed from a right turn out to a left turn.

4. Should the proposed new Instrument Landing System (ILS) to

serve Runway 32 at Fitchburg become a reality, procedures will be developed to accommodate ILS approaches during instrument weather conditions.

5. The Army has agreed to reduce the size of R-4102 to accommodate operations at Shirley Airport due to its close proximity. Shirley traffic can continue with little or no inconvenience by establishing a right-hand traffic pattern.

This action would permit the U.S. Army to carry out its mandatory training maneuvers without greatly restricting the operations at area airports. Section 73.41 of Part 73 was republished on January 2, 1981 (46 FR 807).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Section 73.41 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 807) by adding the following: R-4102 Fort Devens, MA. [added]

Boundaries. Beginning at lat. 42°31'15" N., long. 71°36'30" W.; to lat. 42°31'00" N., long. 71°39'15" W.; to lat. 42°30'45" N., long. 71°39'15" W.; to lat. 42°30'15" N., long. 71°40'00" W.; to lat. 42°29'45" N., long. 71°41'15" W.; to lat. 42°28'15" N., long. 71°41'15" W.; to lat. 42°28'00" N., long. 71°39'45" W.; to lat. 42°29'45" N., long. 71°37'45" W.; thence to point of beginning.

Designated altitudes. Surface up to and including 3,995 feet MSL.

Time of designation. 0000 Fri to 2359 Sat—local time. Other times as specified by NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Boston Control Tower.

Using agency. Director of Plans, Training and Security, Fort Devens, MA.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on September 23, 1981.

B. Keith Potts,
Chief, Airspace and Air Traffic Rules
Division.

[FR Doc. 81-29838 Filed 10-14-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Income Tax; Exclusion for Certain Conservation Cost-Sharing Payments; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the exclusion for certain conservation cost-sharing payments.

DATES: The public hearing will be held on December 1, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by November 12, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-222-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the hearing is proposed regulations under sections 126 and 1255 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Thursday, May 21, 1981 (46 FR 27723).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time

they wish to devote to each subject by November 12, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the Federal Register for Wednesday November 8, 1978.

By direction of the Commissioner of Internal Revenue.

David E. Dickinson,
Director, Legislation and Regulations Division.

[FR Doc. 81-29659 Filed 10-14-81; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Parts 75, 76, 78, 104, 211, 215, 223, 230, 231, 300, 305, 307, 309, 315, 318, 322, 324, 332, 338, 361, 365, 366, 369, 370, 371, 372, 373, 374, 375, 378, 379, 385, 386, 387, 388, 389, 390, 408, 525, 526, 527, 624, 643, 644, 645, 646, 649, 655, 656, 658, 660, 667, 726, 735, 740, 753, 757, 776, and 778

Review of Certain Regulations and Interpretations

AGENCY: Education Department.

ACTION: Notice of status of review of certain regulations and interpretations.

SUMMARY: The Secretary of Education gives notice of the status of the reviews of 22 sets of regulations and interpretations scheduled for completion by September 30, 1981 as provided in a March 27, 1981 Federal Register notice (46 FR 19000). These reviews were undertaken to identify regulatory burdens and opportunities for deregulation and possible alternative approaches to achieving program objectives. Based on the findings of the reviews and the comments received, the Secretary makes determinations concerning the regulations and interpretations listed in this notice.

FOR FURTHER INFORMATION CONTACT:

A. Neal Shedd, Director, Division of

Regulations Management, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: On March 27, 1981, at 46 FR 19000, the Secretary published a notice of intent to review 22 specific sets of regulations and interpretations. In the March 27 notice the Secretary also established dates for completion of the reviews. Today's notice provides a status report on the review of those 22 sets of regulations and interpretations.

To permit orderly program implementation in Fiscal Year 1981, the Secretary permitted the regulations and interpretations to take effect March 30, 1981, pending completion of the reviews. Interested persons were invited to submit comments and recommendations regarding each of the regulations and interpretations subject to review.

Appropriate staff offices of the Department have evaluated the findings of the reviews and the comments received; and are currently making recommendations to the Secretary with respect to these regulations and interpretations. The following is a summary of the status of each of the regulations and interpretations scheduled for review.

1. Regulations Removed From the Code of Federal Regulations

In accordance with the Omnibus Education Reconciliation Act of 1981, the following obsolete regulations were removed from the Code of Federal Regulations on August 25, 1981 at 46 FR 42847, effective October 1, 1982:

Arts Education Program; 34 CFR Part 753
Law-Related Education Program; 34 CFR Part 757

Note.—Of the 22 sets of regulations and interpretations covered by this notice, only the two listed above were removed from the Code of Federal Regulations because they became obsolete. However, 30 other sets of regulations not covered by this notice were also removed on August 25, 1981, in connection with the enactment of the Education Consolidation and Improvement Act of 1981.

2. Regulations That Will Be Amended

It is anticipated that the following regulations will be amended as a result of the reviews. Specific changes will be published separately in the Federal Register.

Rehabilitation Training; 34 CFR Parts 385, 386, 387, 388, 389, 390
International Education Programs; 34 CFR Parts 655, 656, 658, 660, 667
Graduate and Professional Study Fellowships; 34 CFR Part 649

Minority Institutions Science Improvement Program (MISIP); 34 CFR Part 735

Centers for Independent Living; 34 CFR Part 366

Vocational Rehabilitation Service Projects; 34 CFR Parts 369, 370, 371, 372, 373, 374, 375, 378, 379

State Vocational Rehabilitation and Independent Living Rehabilitation Programs; 34 CFR Parts 361, 365

Special Impact Aid Provisions for Local Educational Agencies that Claim Entitlements Based on the Number of Children Residing on Indian Lands; 34 CFR Part 223

Library Career Training Program; 34 CFR Part 776

Strengthening Research Library Resources Program; 34 CFR Part 778.

3. Regulations and Interpretations Still Under Review

The following regulations and interpretations are still under review. When that review is completed, a notice will be published in the Federal Register stating whether the regulations and interpretations will be amended.

Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance; and Assistance to States for Education of Handicapped Children (Insurance Proceeds Interpretation); 34 CFR Parts 104, 300

Education Appeal Board; 34 CFR Part 78
Assistance to States for Education of Handicapped Children (Individualized Education Program Interpretation); 34 CFR Part 300

Selection Criteria for Fiscal Year 1981; 34 CFR Parts 211, 215, 305, 307, 309, 315, 318, 324, 338, 408, 525, 526, 527, 624, 643, 644, 645, 646, 726, 740

Education Department General Administrative Regulations (EDGAR); Annual Funding Priorities; 34 CFR Part 75

Asbestos Detection and Control: Local Educational Agencies; Asbestos Detection and State Plan: State Educational Agencies; 34 CFR Parts 230, 231.

Education Department General Administrative Regulations (EDGAR); Grant Programs Without Specific Regulations; 34 CFR Parts 75, 76.
Training Programs for Teachers of Handicapped Children in Areas with a Shortage; 34 CFR Part 322.

4. Regulations That Will Not Be Amended

No substantive changes are anticipated in the following regulations as a result of the review:

Instructional Media for the Handicapped; 34 CFR Part 332 Assistance to States for Education of Handicapped Children (Amendment to definition of "handicapped children") 34 CFR Part 300

(Catalog of Federal Domestic Assistance Numbers 84.015; 84.016; 84.017; 84.026; 84.027; 84.036; 84.041; 84.084; 84.091; 84.094; 84.095; 84.120; 84.123; 84.126; 84.128; 84.129; 84.132)

Dated: October 8, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-29705 Filed 10-14-81; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 256

[SW-5-FRL 1959-4]

Availability of Illinois State Solid Waste Management Plan and Request for Public Comment

AGENCY: Environmental Protection Agency.

ACTION: Notice of Receipt and Availability of State Plan for Public Comment.

SUMMARY: On February 9, 1981, the State of Illinois submitted to the U.S. Environmental Protection Agency (U.S. EPA) its adopted State Solid Waste Management Plan, as required under 40 CFR Part 256. Additions and revisions to the plan were submitted June 18, 1981, and July 7, 1981. Section 4008(a)(1) of the Solid Waste Disposal Act, as amended by The Resource Conservation and Recovery Act of 1976, as amended, (RCRA) authorized financial assistance for the development and implementation of State plans. Under Section 4007 of RCRA, U.S. EPA shall approve State plans which meet the requirements of paragraphs (1), (2), (3) and (5) of Section 4003 and which contain provisions for revision. Under the guidelines published in the July 31, 1979, Federal Register (44 FR 45066), U.S. EPA shall approve or disapprove a State plan within six months of submittal. This notice announces the availability of the Illinois State Plan and invites public comment on it. After review of the State plan and public comments, rulemaking action on the Illinois State Plan will be detailed in a separate Federal Register notice.

DATE: Comments must be received by: November 16, 1981.

ADDRESSES: Copies of the adopted Illinois State Solid Waste Management Plan are available for public inspection during normal business hours at the following addresses:

U.S. Environmental Protection Agency, Region V, Waste Management Branch, 111 West Jackson Boulevard, Chicago, Illinois 60604

U.S. Environmental Protection Agency, Headquarter's Library, Room 2404, 401 M Street SW., Washington, D.C. 20460
Illinois Environmental Protection Agency, Library, 2200 Churchill Road, Springfield, Illinois 62706, (217) 782-6760.

WRITTEN COMMENTS SHOULD BE SENT TO:

Judy Kertcher, Chief, Regulatory Analysis and Information Section, Waste Management Branch, U.S. EPA, Region V, 111 West Jackson Boulevard, Chicago, Illinois 60604.

It is requested that you submit three copies along with the original of any comment.

FOR FURTHER INFORMATION CONTACT:

Lillian Bagus, Regulatory Analysis and Information Section, Waste Management Branch, U.S. EPA, Region V, 111 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6142.

SUPPLEMENTARY INFORMATION: On July 31, 1979, (44 FR 45066), U.S. EPA published guidelines for the development and implementation of State Solid Waste Management Plans under the authority of Section 4002(b) of the Solid Waste Disposal Act, as amended by The Resource Conservation and Recovery Act of 1976, as amended, (RCRA). The guidelines establish the requirements for State plans and recommend methods and procedures to meet those requirements.

Under Section 4007 of RCRA, the Administrator shall approve plans which meet the requirements of paragraphs (1), (2), (3) and (5) of Section 4003 and which contain provisions for revision. To assist the public in their review of the plan, these requirements are summarized below:

1. The plan shall identify the responsibilities of the State, local and regional authorities in implementing the plan and describe the means for coordinating regional planning and implementation. This includes the distribution of Federal funds to these authorities.

2. The plan shall prohibit the establishment of new open dumps in accordance with Sections 4004 and 4005 and contain requirements that all solid waste shall be utilized for resource recovery or disposed of in sanitary landfills or otherwise disposed of in an environmentally sound manner.

3. The plan shall provide for the closing or upgrading of all existing open dumps in accordance with Sections 4004 and 4005.

4. The plan shall provide that no State or local government shall be prohibited from entering into long-term contracts for the purpose of resource recovery projects.

5. The plan shall provide specific provisions for revision.

In addition to the above requirements, the plan must also address the guidelines which were published in the July 31, 1979, Federal Register and are summarized below:

1. The plan shall provide for the establishment of necessary State regulatory powers.

2. The plan shall provide for adequate resource conservation, recovery, storage, treatment and disposal facilities and practices necessary to use or dispose of solid and hazardous waste in an environmentally sound manner.

3. The plan shall provide for coordination with Federal programs that affect State solid waste.

4. The plan shall provide for public participation in the development of the plan, the annual work program, State regulations and the permitting of facilities.

U.S. EPA is currently reviewing the revised and adopted plan. At the completion of its review, U.S. EPA will publish a notice in the Federal Register announcing rulemaking action on these submittals. All interested persons are advised that these submittals are available for review at the locations listed above. Comments must be received by November 16, 1981.

(Section 4007(a), Public Law 94-580, 90 Stat. 2817 (42 U.S.C. 6947))

Dated: October 2, 1981.

Valdas V. Adamkus,
Acting Regional Administrator.

[FR Doc. 81-29820 Filed 10-14-81; 8:45 am]

BILLING CODE 6560-39-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-252; RM-3694]

FM Broadcast Station in Brownsville, Edinburg, Harlingen, Raymondville, and Rio Grande City, Tex.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: This action denies a petition filed by Rio Grande Valley Catholic Communications, Inc. seeking the assignment of Class C FM Channel 201C

to Harlingen, Texas. The assignment required the deletion of Class A channels at Edinburg and Brownsville, Texas, for which application had already been made. The public interest would be better served in this case by retaining the Class A channels.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.
FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.504(a) *FM Table of Assignments*, (Brownsville, Edinburg, Harlingen, Raymondville, and Rio Grande City, Texas), BC Docket No. 81-252, RM-3694.

Report and Order—Proceeding Terminated

Adopted: September 28, 1981.

Released: October 5, 1981.

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 23498, published April 27, 1981, proposing the following channel substitutions: Class C Channel 201C for Channel 205A in Harlingen, Texas; Channel 219A for Channel 201A in Raymondville, Texas; Channel 218A for Channel 201A in Rio Grande City, Texas; Channel 206A for Channel 202A in Brownsville, Texas; and the deletion of Channel 203A in Edinburg, Texas. These substitutions, the ultimate purpose of which is to provide a Class C channel in Harlingen, were proposed by Rio Grande Valley Catholic Communications, Inc. ("petitioner"). Comments were filed by petitioner and Rio Grande Bible Institute, Inc. ("RGBI"), applicant for Channel 203A at Edinburg. Petitioner filed reply comments. Informal comments in support of the petition were submitted by the Economic Research and Revitalization Association of Port Isabel, Texas, and the Federation of Commercial Fishermen, also of Port Isabel.

2. In its comments, petitioner states that if Channel 201C is assigned to Harlingen, it would apply for a construction permit to activate a noncommercial educational station there. In response to the Commission's request in the *Notice* for information concerning the amounts of first and second FM service which the Class C channel in Harlingen would provide, petitioner instead submitted a map comparing the 60 dBu contour of the proposed Class C channel with the 60 dBu contours of the Class A Edinburg and Harlingen channels. According to petitioner's engineering statement, no service would be lost by operating a Class C facility instead of the two Class

A stations, and, in fact, a much larger area would be satisfactorily covered by a Class C station. Petitioner provided no data concerning the amount of first and second service which the proposed Class C facility would provide.

3. In opposition to the proposal, which requires the deletion of Class A channels at Harlingen and Edinburg, RGBI states that such an assignment plan subverts the Commission's policy of encouraging a diversity of broadcast voices. RGBI also distinguishes the precedent cited by the Commission as authority for deleting an assignment for which an application has been filed, *Burlington and Newport, Vermont*, 45 RR 2d 786 (1979). RGBI states that in that case, the Commission was faced with the choice of utilizing a commercial FM channel to provide either a first full-time FM service to a relatively small community, or to grant the channel for the purpose of establishing a station which would provide a first noncommercial service to nearly one half the population of Vermont. Since noncommercial service could not be provided by any other means, the Commission deleted the applied-for assignment and reassigned the channel for noncommercial use. RGBI opines that no such choice is necessary here since noncommercial service can be provided from the existing Class A assignments. RGBI also notes that a substantial portion of the proposed Class C signal would cover Mexican territory, which, according to RGBI, is not an efficient use of a highly preclusive Class C channel. RGBI further contends that it has expended substantial time, money, and effort in applying for the channel at Edinburg, and it would be inequitable to dismiss its application in this case where there is no compelling public interest justification in doing so.

4. In reply comments, petitioner supports the Class C assignment by stating that a high power station is necessary to reach the poor and undereducated populations living in rural areas. Petitioner also asserts that the operation of one Class C station is more cost-effective than operating several Class A stations. A discussion of petitioner's potential programming schedule is also presented in the reply comments. Petitioner further avers that RGBI could apply instead for Channel 288A at Mission, Texas, as a noncommercial educational station. Petitioner asserts that RGBI could adequately serve the Edinburg area by operating on Channel 288A at Mission.

5. *Community data.* (a) Harlingen: Harlingen (population 33,503),¹ in Cameron County (population 140,368), is located approximately 465 kilometers (290 miles) southwest of Houston, Texas.

(b) Raymondville: Raymondville (population 7,987), seat of Willacy County (population 15,570), is located approximately 34 kilometers (21 miles) north of Harlingen.

(c) Rio Grande City: Rio Grande City (population 5,676), seat of Starr County (population 17,707), is located approximately 114 kilometers (71 miles) west of Harlingen.

(d) Brownsville: Brownsville (population 52,522), seat of Cameron County, is located approximately 37 kilometers (23 miles) southeast of Harlingen.

(e) Edinburg: Edinburg (population 17,163), seat of Hidalgo County (population 181,535), is located approximately 48 kilometers (30 miles) west of Harlingen.

6. As indicated in the *Notice*, the proposed channel substitutions require coordination with the Mexican government. The Mexican government responded that the proposed substitutions at Harlingen and Raymondville, are acceptable, but that Channel 206A in Brownsville and Channel 218A in Rio Grande City are short-spaced to Mexican assignments. Although the Rio Grande City short-spacings can be overcome by judicious site selection, the reported short-spacing with the Brownsville assignment cannot be so remedied. This means that in addition to the loss of a channel for which an application is pending in Edinburg, petitioner's proposal would also force the deletion of an assignment in Brownsville which also has an application pending.²

7. We do not believe that petitioner has submitted sufficient evidence to justify its proposal consistent with the public interest. As noted in the previous paragraph, the addition of a Class C channel at Harlingen would require the deletion of channels at Edinburg and Brownsville for which applications have been filed. Thus, the proposal would eliminate the possibility for local noncommercial service in those two cities. Also the *Notice* asked that petitioner submit *Roanoke Rapids* data to indicate the number of people which would receive first and second FM (and noncommercial educational) service from the operation of a Class C station

¹ Population data are taken from the 1970 U.S. Census.

² File No. BPED 601118AF.

at Harlingen. Petitioner did not submit such a study. As stated in the *Notice*, such a showing is crucial to making a Class C assignment which necessitates the deletion of another channel for which an application is pending. That showing becomes even more crucial when two such channels would be deleted as in this instance. Based on the information before us, we cannot conclude that the assignment of a Class C channel to Harlingen represents an efficient and fair allocation in comparison with three potential Class A operations at Harlingen, Edinburg, and Brownsville.³

8. Accordingly, it is ordered, that the petition of Rio Grande Valley Catholic Communications, Inc., proposing the assignment of Channel 201C to Harlingen, Texas, is denied.

9. It is further ordered, that this proceeding is terminated.

10. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

*Acting Chief, Policy and Rules Division,
Broadcast Bureau.*

[FR Doc. 81-29861 Filed 10-14-81; 8:45 am]

BILLING CODE 6712-01-M

³ Regarding petitioner's suggestion that RCBI could apply for Channel 288A at Mission, Texas, without reaching the question of whether a party could adequately provide local service to one city through operating a station at another city, we note that at the time petitioner made its suggestion, other applications for Channel 288A at Mission had been cut-off making that channel now unavailable for another party.

Notices

Federal Register

Vol. 46, No. 199

Thursday, October 15, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Interagency Coordination; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92-463), notice is hereby given of two meetings of the Committee on Interagency Coordination of the Administrative Conference of the United States. Each meeting will be held at the office of O'Melveny & Myers, 1800 M Street, NW, Suite 500 South, Washington, D.C.

The Committee will meet on Monday, November 9, 1981 at 10:00 a.m. to discuss Philip Harter's study of regulatory negotiation. The Committee will also meet on Thursday, December 10, 1981 at 9:00 a.m. to discuss both Mr. Harter's project and Professor Richard Merrill's study of regulation of carcinogens.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend either meeting should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meetings; any member of the public may file a written statement with the Committee before, during or after a meeting.

For further information concerning these meetings contact David M. Pritzker, Office of the Chairman, Administrative Conference of the United States, 2120 L Street NW, Suite 500, Washington, D.C. (Telephone: 202-254-7065.) Minutes of the meetings will be available on request.

Richard K. Berg,
General Counsel.
October 9, 1981.

[FR Doc. 29922 Filed 10-14-81; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Routt National Forest Grazing Advisory Board; Meeting

The Routt National Forest Grazing Advisory Board will meet November 24, 1981, at 10:00 a.m. at the Yampa Valley Electric Association building, Steamboat Springs, Colorado.

The Agenda for the meeting will include: (1) Review range improvement needs on selected area; (2) a discussion of the projects planned for FY 1982 utilizing range betterment funds; (3) discuss and receive advice and recommendations for the utilization of range betterment funds and development of allotment management plans for FY's 1983 and 1984.

The meeting will be open to the public. Persons who wish to attend and participate should notify Les Clark or Jim Webb, Routt National Forest (303-879-1722) prior to the meeting. Public members may participate in discussions during the meeting at any time or may file a written statement following the meeting.

Jack Weissling,
Forest Supervisor.

October 6, 1981.

[FR Doc. 81-29334 Filed 10-14-81; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Mt. McSaubia Recreation Area R.C. & D. Measure, Michigan; Environmental Impact Statement; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, Room 101, East Lansing, Michigan 48823, telephone 517-337-6702.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service

Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mt. McSaubia Recreation Area R.C. & D. Measure, Charlevoix County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of practices for critical area treatment. The planned works of improvement include the following items: 7 acres of beachgrass planting, 600 linear feet of windbreaks, 2 access gates, 3,100 linear feet of recreation trail, 5.5 acres of sod, fertilizer, and mulch, and 970 linear feet of vehicle barriers. Total construction cost is estimated to be \$35,300, \$26,500 R.C. & D. funds and \$8,800 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until November 16, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 29, 1981

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81-25323 Filed 10-14-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE**International Trade Administration****Initiation of Antidumping Investigation—Stainless Clad Steel Plate From Japan**

SUMMARY: We are initiating an antidumping investigation to determine whether stainless clad steel plate from Japan is being sold in the U.S. at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may preliminarily determine whether these imports are materially injuring or threatening to materially injure a U.S. industry.

EFFECTIVE DATE: October 15, 1981.

FOR FURTHER INFORMATION CONTACT: Koichi Beckwith, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 (202-377-1778).

SUPPLEMENTARY INFORMATION: On October 6, 1981, we received a petition from counsel for Luken's Steel Company of Coatesville, Pennsylvania. Complying with the filing requirements of 19 CFR 353.36, the petition alleges that stainless clad steel plate is being sold in the United States at less than fair value, and that these imports are materially injuring a U.S. industry.

Sales at less than fair value generally occur when the prices of the merchandise exported to the U.S. are less than the prices of such or similar merchandise sold for consumption in the exporter's home market. Material injury can include actual or potential decline in the U.S. output, sales, market share, profits, productivity, and return on investment.

Upon examining this petition, we have found that its information reasonably supports its allegations. Therefore, in accordance with section 732(c) of the Tariff Act of 1930 as amended (the Act) (93 Stat. 163, 19 U.S.C. 1673a), we are initiating an investigation to determine whether stainless clad plate is being or is likely to be, sold at less than fair value within the meaning of section 731 of the Act. If our investigation proceeds normally, we will announce our preliminary determination by March 15, 1982.

Scope of the Investigation

The merchandise we will investigate is stainless clad steel plate, which is currently classified under item 607.9400 of the Tariff Schedules of the United States Annotated. The product is a rectangular finished steel mill product

consisting of a layer of stainless bonded to a substrate of less expensive carbon or low alloy steel.

Stainless clad steel plate has many applications where the corrosion resistance of stainless steel and higher design strength of carbon or alloy steel are required.

Notification to ITC

Section 732(d) of the Act (19 Stat. 163, 19 U.S.C. 1673a) also requires us to notify the ITC of this determination and to give the ITC a copy of the information we used to arrive at our determination to initiate an investigation. We will also make available to the ITC all nonprivileged and nonconfidential information. Furthermore, we will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by November 20, 1981, whether there is a reasonable indication that imports of stainless clad steel plates from Japan are materially injuring or likely to materially injure a U.S. industry. If the ITC's determination is negative, this investigation will terminate; otherwise, it will proceed to its conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 9, 1981.

[FR Doc. 81-29850 Filed 10-14-81; 8:45 am]

BILLING CODE 3510-25-M

Sandia National Laboratories, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date

on which this notice of application is published in the Federal Register.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 81-00370. Applicant: Sandia National Laboratories, P.O. Box 5800, Albuquerque, NM 87185. Article: Laser, Model TE 292-K and Accessories. Manufacturer: Lumonics, Inc., Canada. Intended use of article: The article is intended to be used to study UV laser induced triggering of the six million volt gas switches in PBFA II, an advanced particle beam fusion accelerator under construction. For these experiments, the laser beam will be focused in a region in the center of the 6 million volt switch which uses high pressure Sulfur Hexafluoride gas as insulation. The focused laser beam will form a long spark in the SF₆, effectively punching a hole in the dielectric and triggering the 6 million volt switch. In experiments planned for this laser, the amount of laser energy required to trigger the switch will be studied along with the timing accuracy with which the switch can be triggered. Application received by Commissioner of Customs: September 10, 1981.

Docket Number 81-00371. Applicant: Baptist Regional Health Services, 1000 W. Moreno Street, Pensacola, Florida 32501. Article: Therac 20/Saturne Linear Accelerator with Accessories. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used to treat cancer patients. The patient's treatment on this unit will have treatment results of incidence of complications evaluated and compared with treatment from conventional units that lack the technical sophistication of the article. Through the use of the article in the treatment of deep-seated tumors and those lying within a few centimeters of the skin, patient care can be taught to physicians concerning the benefits to be expected for the patient in terms of reduced morbidity, and better tumor control through the use of this new generation of equipment. Data from the article will also be directly interfaced with a dedicated treatment planning computer which includes a tumor registry which will be pooled with data from other institutions to perform clinical research and enable participation in further clinical trials.

The article will also be used in the training of radiation therapy residents. Application received by Commissioner of Customs: September 10, 1981.

Docket Number 81-00372. Applicant: University of Utah, Purchasing Department, 151 Annex, Salt Lake City, Utah 84112. Article: CXP-200 Solids Spectrometer Console and 2.35 Tesla Oxford Superconducting Magnet. Manufacturer: Bruker Instruments, West Germany. Intended use of article: The article is intended to be used in studying organic polymers, fossil fuels and other complex organic solids and liquids. Application received by Commissioner of Customs: September 10, 1981.

Docket Number 81-00373. Applicant: Electric Power Research Institute, Inc., 3412 Hillview Avenue, P.O. Box 10412, Palo Alto, CA 94303. Article: UNIWEMA 400 Machine. Manufacturer: Kabelmetal of Hanover, West Germany. Intended use of article: The article will be used in the project "Flexible Gas-Insulated Metal-Enclosed Transmission System Design" in which new areas of research and development of gas-insulated transmission lines will be undertaken. If successful, the use and economic impact of gas-insulated transmission lines will be broadened. The project will involve the study of manufacturing procedures, metal properties and raw material availability for a corrugated metal enclosure. Other work will be directed at the design of a flexible conductor and insulated spacers to support the conductor in the corrugated enclosure. Corrosion, gas dielectric and installation studies will include the analytical and designed portion of the development program. Application received by Commissioner of Customs: September 10, 1981.

Docket Number 81-00374. Applicant: University of Rochester, Department of Chemistry, Hutchison Hall, River Station, Rochester, NY 14627. Article: Mass Spectrometer/Data System, VG 7035. Manufacturer: VG Analytical Ltd., United Kingdom. Intended use of article: The article is intended to be used for analysis by ionization of molecules to be studied either by electron impact (EI) or chemical ionization (CI) means providing ions which can be separated magnetically according to their mass. The mass information thus obtained permits characterization not only of the molecular weight of the substance but also, at significantly high resolution (~10,000), provides elemental composition data as well. This information is an essential and integral part of the characterization of these substances with respect to their molecular structure which is routinely

required for this research. The overall objectives of the research to be performed include the chemical total synthesis of a variety of unusual naturally occurring structures which possess important biological activity such as antibiotic and antitumor activity, and serve as leads in the development of useful pharmaceuticals. Additional objectives included the study of the mechanisms of important organic or organometallic chemical reactions, the interaction of analgesic drugs with receptor sites, the molecular basis of the immunological recognition (as in blood types), toxicology of heavy metals particularly lead and mercury, the pharmacokinetics of radiation sensitized drugs for use in radiation chemotherapy, and the studies of topology or phospholipids in cell membranes and the interactions (lipid-lipid and lipid-protein) involved, as well as the topology of the adrenergic receptor in human leukocytes. Application received by Commissioner of Customs: September 10, 1981.

Docket Number 81-00375. Applicant: Children's Hospital of Pittsburgh, 125 DeSoto Street, Pittsburgh, PA 15213. Article: Automatic Discrete Selective Chemistry Analyzer. Manufacturer: Greiner Electronics, United Kingdom. Intended use of article: The article is intended to be used for biochemical analysis of body fluids such as blood, urine, etc. to aid in patient diagnosis. Educational uses will include training of medical technologists and pathology residents. Application received by Commissioner of Customs: September 10, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)
Frank W. Creel,
Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-29843 Filed 10-14-81; 8:45 am]
BILLING CODE 3510-25-M

South Dakota School of Mines and Technology; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce

Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00134. Applicant: South Dakota School of Mines and Technology, Rapid City, SD 57701. Article: Superconducting Rock Magnetometer with Attachments. Manufacturer: CTF Systems, Inc., Canada. Intended use of article: See Notice on page 20581 in the Federal Register of April 6, 1981.

Comments: No comments have been received with respect to this application.

Decisions: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a sensitivity of approximately 10^{-8} electromagnetic units (emu) and a dynamic range to ± 20 emu full scale. The National Bureau of Standards advises in its memorandum dated August 31, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Program Staff.

[FR Doc. 81-29344 Filed 10-14-81; 8:45 am]
BILLING CODE 3510-25-M

[A-588-035]

Cadmium From Japan; Final Results of Administrative Review of Antidumping Finding and Determination Not To Revoke

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding and determination not to revoke.

SUMMARY: On May 7, 1981, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on cadmium from Japan. The review covered all known exporters of this merchandise and the period April 1,

1978 through September 4, 1979, the date of a previous Treasury Department tentative determination to revoke.

Interested parties were provided an opportunity to submit written comments or request a hearing. The petitioner requested a hearing which was held on June 16, 1981. As a result of this hearing, post-hearing briefs and supplemental information submitted by interested parties, the Department determines not to revoke the finding.

EFFECTIVE DATE: October 15, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Arthur N. DuBois or John Kugelman, Office of Compliance, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-3814/5289).

SUPPLEMENTAL INFORMATION:

Background

On August 4, 1972, a dumping finding with respect to cadmium from Japan was published in the Federal Register as Treasury Decision 72-206 (37 FR 15760).

As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department of Commerce ("the Department") conducted an administrative review of the antidumping finding on this merchandise and as a result published in the Federal Register on May 7, 1981, a notice of "Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination to Revoke" (46 FR 25497). The Department has now completed its administrative review of the finding.

Scope of the Review

Imports covered by this review are shipments of cadmium, currently classifiable under items 632.1420 and 632.1440 of the Tariff Schedules of the United States Annotated (TSUSA). The review covered all known exporters of the merchandise and the April 1, 1978 through September 4, 1979, the date of Treasury's prior determination to revoke (44 FR 51696). Our notice of preliminary results stated there was no evidence of any importations of this merchandise during the period of review and there were no known unliquidated entries.

Synopsis of Comments Received

After publication of the notice, the petitioner requested a hearing which was conducted by the Department on June 16, 1981.

The petitioner urged the Department to take carefully into account the 1979 Treasury Department revocation proceeding and the apparent determination at that time not to revoke. The petitioner disagreed with our

finding that there were no shipments during the period of review. The petitioner also contended that, by not investigating beyond September 4, 1979, the Department failed to take into account reported imports in December 1979, 1980 and 1981. The petitioner also contended the written agreement failed by the Japanese producers failed to comply with § 353.54(e) of the Commerce Regulations. Finally, the petitioner claimed that there is a likelihood of resumption of sales at less than fair value should this case be revoked, based on the price disparity between the Japanese and U.S. cadmium markets. Petitioner's estimates, based on price quotations in Japan and the U.S. for a seventeen-month period, January 1980 through May 1981, produced margins averaging 49.5%, with a high of 89%.

Respondents argued that this case fulfills the requirements for revocation of an antidumping finding because there have been no sales of this merchandise (and therefore no sales at less than fair value) in the United States for six years and because all Japanese exporters of cadmium have provided the written agreement required by § 353.54(e) of the Commerce Regulations. Respondents contended that there is no convincing evidence to assume, as petitioner has done, that sales at less than fair value will resume after revocation of the finding. Respondents provided estimated Japanese sales prices which were on the average 8% higher than the U.S. prices provided by the petitioner; moreover, the margins based on these estimates went as high as 38%, with the later months (January-March 1981) indicating margins over 20%. The respondents argued, however, that comparisons of Japanese prices with domestic producers' U.S. prices are inappropriate in the context of an antidumping proceeding.

Analysis of Comments Received

There is evidence that the 1979 shipment was of Japanese origin. However, there is not sufficient evidence to establish whether this sale was at less than fair value. The sales in 1980 and 1981 cited by the petitioner were not of Japanese origin.

More important, there is evidence that, should Japanese exporters resume sales of this merchandise to the United States on a competitive basis, such sales would likely be at less than fair value. While the potential margins using the petitioner's and respondent's estimates differ, the potential margins of up to 38 percent based on the respondents' information are too large to justify revoking this finding. Section 353.54 of

the Commerce Regulations states in part that "whenever the Secretary * * * is satisfied that there is no likelihood of resumption of sales at less than fair value, he may act to revoke or terminate, in whole or part, such Order or Finding * * *". We are not satisfied that there is no likelihood of the resumption of sales at less than fair value. Moreover, we have no reason to believe that present market conditions in the United States and Japan are temporary phenomena.

Final Results of the Review

As a result of our review of oral and written comments submitted, we determine to maintain the finding on this merchandise.

Since the last known shipments of this merchandise resulted in the assessment of no dumping duties, the Department shall not require a cash deposit of estimated antidumping duties, as defined in § 353.48(b) of the Commerce Regulations. This waiver of deposit shall remain in effect until publication of the next administrative review. The Department intends to conduct the next administrative review by the end of August, 1982.

(Section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53))

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 28, 1981.

[FR Doc. 81-21783 Filed 10-14-81; 11:45 am]

BILLING CODE 3510-25-M

Imported Steel Mill Products Trigger Price Mechanism: Monitoring of Specialty Steel Imports

AGENCY: International Trade Administration, Commerce.

SUMMARY: In monitoring specialty steel imports, on a product line basis, for surges possibly caused by dumping or subsidization, the Department of Commerce has determined that surge conditions exist in alloy tool steel. Surge conditions do not presently exist in stainless steel sheet and strip, plate, and rod. While surge conditions do not exist in the categories of stainless steel bar and pipe and tube, these import situations warrant particular attention during the coming months.

FOR FURTHER INFORMATION CONTACT:

Ms. Terry Link, Import Administration, U.S. Department of Commerce, Room 1001, Washington, D.C. 20230, (202) 377-3793.

SUPPLEMENTARY INFORMATION: On January 8, 1981 the Department of

Commerce announced the Administration's decision to monitor imports of specialty steel products for surges apparently caused by unfair trade practices. This is the third of a series of quarterly reviews which the Department will issue, based upon its assessment of the specialty steel import situation. The first review was published on April 7, 1981 (46 FR 20717) and the second review was published on July 2, 1981 (46 FR 34616). These reviews include a detailed listing of the specific TSUSA categories included in the Department's monitoring procedures and discuss import trends in six major specialty steel product lines.

By monitoring specialty steel imports for surges possibly caused by dumping or subsidization, the Department will be in a position to enforce promptly the trade laws of the United States, in a manner consistent with our international obligations, in cases where the imports could be causing material injury to our industry.

If the Department of Commerce finds that a surge in specialty steel imports appears to be the result of unfair competition, an anti-dumping or countervailing duty investigation could be initiated. No action will be taken where the surge appears to be the result of fair competition. The monitoring system is designed to ensure enforcement of the trade laws, not to set or imply import quantity or price levels.

The major product lines monitored by the Department are stainless steel sheet and strip, plate, bar, rod, pipe and tubing, and alloy tool steel. A surge exists when, on a product line basis (1) imports as a percent of domestic consumption rise above the average levels for the past ten years and (2) the import penetration trend is clearly toward the levels at which the U.S. International Trade Commission (USITC) found injury in the 1976-escape clause case.

An outline of the major factors noted in the Department's third quarterly review follows. This review is based primarily upon quarterly data for the second calendar quarter of 1981. It also references second quarter levels for previous years, and the 1971 through 1980 ten year weighted averages. More detailed data are presented in the Appendix to this notice, including a listing of the specific TSUSA import categories covered in the monitoring procedures.

For the category of stainless steel sheet and strip, surge conditions do not exist, as evidenced by the fact that the second calendar quarter 1981 level of import penetration (the share of U.S. apparent consumption accounted for by

imports) was 7.3 percent. This is below the 1971 through 1980 ten year weighted average of 9.5 percent and is below the second quarter 1979 level of 7.4 percent.

Surge conditions do not exist for the category of stainless steel plate. Import penetration during the second quarter of 1981 was 6.1 percent, which is below the 1971 through-1980 ten year weighted average of 11.6 percent, as well as being below the second quarter 1979 level of 7.1 percent.

Surge conditions do not exist for the category of stainless steel rod. Import penetration during the second quarter of 1981 was 38.7 percent which is below the 1971 through 1980 ten year weighted annual average of 44.3 percent. The 38.7 percent level of import penetration was the lowest second quarter level during the 1971 through 1980 ten year period, with the exception of the 1979 level of 27.8 percent.

While surge conditions do not exist yet for the category of stainless steel bar, there is concern that import penetration is at a level which warrants particular attention during the coming months. Import penetration for the second quarter of 1981 was 20.4 percent, which is above the 1971 through 1980 ten year weighted average of 17.1 percent, but is below the second quarter 1980 level of 24.8 percent. Spain accounted for 5.2 percent of U.S. apparent consumption of stainless steel bar during the second quarter of 1981, compared to shares of 1.7 percent and 2.1 percent during the same period in 1980 and 1979, respectively. This marked increase in Spain's share of U.S. apparent consumption reflects exports of 2,042 tons of stainless steel bar during the second quarter of 1981, compared to 748 tons and 910 tons during the same period in 1980 and 1979, respectively.

While surge conditions do not exist yet for the category of stainless steel pipe and tube there is concern that import penetration is at a level which warrants particular attention during the coming months. Import penetration during the second quarter of 1981 was

50.4 percent. This is above the 1971 through 1980 ten year weighted average of 41.5 percent, but below the second quarter 1976, 1978, and 1980 levels of 69.3 percent, 56.8 percent, and 52.5 percent, respectively. Spain accounted for 2.7 percent of U.S. apparent consumption of stainless steel pipe and tube during the second quarter of 1981, compared to shares of 0.6 percent during both the second quarter of 1980 and 1979. This increase in Spain's share of U.S. apparent consumption reflects exports of 366 tons of stainless steel pipe and tube during the second quarter of 1981, compared to 77 tons and 89 tons during the same period in 1980 and 1979, respectively.

Surge conditions exist for the category of alloy tool steel. Import penetration for the second calendar quarter of 1981 was 32.0 percent, which is above the 1971 through 1980 ten year weighted average of 22.0 percent and above the second quarter 1978, 1979 and 1980 levels of 29.0 percent, 27.1 percent, and 27.3 percent, respectively.

In the second quarterly review of the imports of specialty steel, a surge in imports of alloy tool steel from West Germany was announced. The Department of Commerce began to examine trade in alloy tool steel from West Germany to determine whether fair or unfair competition was involved. During the second quarter of 1981, imports of alloy tool steel from West Germany accounted for 10.9 percent of U.S. apparent consumption, up from 4.1 percent during the second quarter of 1980 and 2.2 percent for the second quarter of 1979. The quantities of imports of alloy tool steel from West Germany were 2,785 net tons during the second quarter of 1981, which is above both the second quarter 1980 level of 1,120 net tons and the second quarter 1979 level of 687 net tons. Therefore, the Department of Commerce is continuing its examination of trade in alloy tool steel from West Germany to determine whether sales in the U.S. market have involved dumping or subsidization.

TABLE 1.—IMPORT MARKET SHARES BY PRODUCT CATEGORY

[Percent of U.S. apparent consumption * supplied by imports]

| Year | S.S. sheet and strip | S.S. plate | S.S. bar | S.S. rod | Alloy tool steel | S.S. pipe and tube |
|--------------------------|----------------------|------------|----------|----------|------------------|--------------------|
| 1971 | 19.7 | 17.9 | 13.7 | 57.7 | 14.4 | 44.5 |
| 1972 | 10.2 | 24.0 | 14.5 | 50.9 | 14.7 | 33.9 |
| 1973 | 6.1 | 13.3 | 12.5 | 42.3 | 18.0 | 20.8 |
| 1974 | 7.5 | 9.3 | 15.2 | 48.8 | 18.4 | 26.5 |
| 1975 | 13.9 | 16.8 | 24.6 | 68.4 | 28.0 | 41.5 |
| 1976 | 10.7 | 20.0 | 18.2 | 51.3 | 25.6 | 61.2 |
| 1977 | 8.0 | 8.4 | 17.4 | 41.2 | 21.8 | 45.3 |
| 1978 | 9.8 | 9.6 | 17.5 | 39.1 | 24.5 | 52.0 |
| 1979 | 7.0 | 5.0 | 16.4 | 31.5 | 27.3 | 36.4 |
| 1980 | 5.9 | 2.7 | 21.6 | 37.9 | 27.7 | 45.6 |
| 10-year weighted average | 9.5 | 11.6 | 17.1 | 44.3 | 22.0 | 41.5 |

¹ Apparent consumption=net domestic shipments plus imports minus exports.

² The figure of 27.7 percent which appears here has been revised downward since the publication of the first review due to revisions in U.S. Census Data. This revision does not alter the existence of surges previously announced for this product category.

Sources: Imports—U.S. Department of Commerce, Bureau of the Census, IM146. Exports—U.S. Department of Commerce, Bureau of the Census, EM548. Shipments—American Iron and Steel Institute, AIS10-S and AIS10, data reflect net shipments, excluding shipments to reporting companies.

Specialty Steel Products Lines: TSUSA Categories (1980 U.S. Tariff Schedules)

- (1) Stainless Steel Sheet and Strip:
607.7610, 607.9010, 607.9020, 608.2600,
608.2900, 608.4300, 608.5700
- (2) Stainless Steel Polate:
607.7605, 607.9005
- (3) Stainless Steel Bar:
606.9005, 606.9010
- (4) Stainless Steel Rod:
607.2600, 607.4300
- (5) Alloy Tool Steel:
606.9300, 606.9400, 606.9505, 606.9510,
606.9520, 606.9525, 606.9535, 606.9540,
607.2800, 607.3405, 607.3420, 607.4600,
607.5405, 607.5420, 607.7205, 607.7220,
607.8805, 607.8820, 608.3405, 608.3420,
608.4905, 608.4920, 608.6405, 608.6420,
609.4520, 609.4550
- (6) Stainless Steel Pipe and Tubing:
610.3705, 610.3715, 610.3745, 610.3765,
610.5130, 610.5235, 610.5210, 610.5215

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-29913 Filed 10-14-81; 8:45 am]

BILLING CODE 3510-28-M

National Oceanic and Atmospheric Administration, National Marine Fisheries Service

Marine Mammal Permit; Notice of Modification

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR 216), Permit No. 305 issued to the State of Washington, Department of Game, 53 Portway Street, Astoria, Oregon 97103 on October 10, 1980 (45 FR 69533) as modified on March 16, 1981 (46 FR 18065) and May 12, 1981 (46 FR 27153) is modified as follows:

Section A-2 is changed to read;

One hundred (100) Pacific harbor seals may be restrained, blood sampled, marked and tagged with pelage dye and flipper tags. Of these seventy (70) adult seals may be instrumented with radio-transmitters.

Dated: October 9, 1981.

R. B. Brumsted,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-29914 Filed 10-14-81; 8:45 am]

BILLING CODE 3510-22-M

Notice of Issuance of Marine Mammal Permit

On September 8, 1981, Notice was published in the Federal Register (46 FR 44805), that an application had been filed with the National Marine Fisheries Service by Drs. Jennifer Buchwald and Carl Shipley, Departments of Physiology, Psychology and Brain Research Institutes, University of California, Los Angeles, California 90024 to take by marking sixty (60) Northern elephant seals (*Mirounga angustirostris*) for the purpose of scientific research.

Notice is hereby given that on October 9, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to Drs. Buchwald and Shipley subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service, 3300
Whitehaven Street, NW, Washington, D.C.;
and
Regional Director, National Marine Fisheries
Service, Southwest Region, 300 South Ferry
Street, Terminal Island, California 90731.

Dated: October 9, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-29915 Filed 10-14-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Level of Certain Cotton Textile Products From the Philippines

October 9, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing from 227,502 to 210,373 dozen the level of restraint established for women's, girls' and infants' cotton trousers in Category 348 pt., produced or manufactured in the Philippines and exported during the agreement year that began on January 1, 1981, to account for 1980 exports of these products which exceeded the 1980 limit by 17,129 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: Pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, the United States Government has advised the Government of the Republic of the Philippines that 1980 exports of cotton textile products in Category 348 pt. exceeded the level established for them during the agreement year which began on January 1, 1980 by 17,129 dozen and that amount is being charged to the 1981 level, reducing it to 210,373 dozen.

EFFECTIVE DATE: October 9, 1981.

FOR FURTHER INFORMATION CONTACT:

Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 28, 1980, there was published in the Federal Register (45 FR 85498) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man/made fiber textile products, produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. On June 23, 1981, a further letter was published in the Federal Register (46 FR 32470) which amended the December 19, 1981 letter to establish a level of restraint for Category 348 pt., during the same twelve-month period. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with terms of the bilateral agreement, to reduce the level of restraint established for Category 348 pt. to 210,373 dozen.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

October 9, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs.

*Department of the Treasury, Washington,
D.C. 20229*

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective of October 9, 1981, and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 348 pt.,¹ produced or manufactured in the Philippines, in excess of 210,373 dozen.²

The action taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textile products from the Philippines has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,
Paul T. O'Day,
*Chairman, Committee for the Implementation
of Textile Agreements.*

[FR Doc. 81-29345 Filed 10-14-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Policy Advisory Committee for Trade Policy Matters; Establishment

Notice is hereby given that the Secretary of Defense (the Secretary) and the United States Trade Representative (USTR) have taken steps to establish a Defense Policy Advisory Committee for Trade Policy Matters. This Committee will be chartered pursuant to Section

¹ In Category 348, all T.S.U.S.A. numbers except 382.0087, 382.0691, 382.3349, 382.3355, 382.3359, and 382.3363.

² The level of restraint has not been adjusted for any imports after December 31, 1980.

135(C) of the Trade Act of 1974 (19 U.S.C. 2155) as amended; the Federal Advisory Committee Act (5 U.S.C. App. 1); and Section 4(d) of Executive Order 11846, March 27, 1975. The charter of this Committee will be filed 15 days from the date of this notice.

The Committee is being established to provide the Secretary and the USTR with policy advice and information regarding defense trade policy issues and domestic industrial base issues.

The Committee will be composed of 30 members from and reasonably representative of U.S. defense industry. Members shall be appointed by the Secretary and the USTR for the duration of the charter. Approximately one third of the members will be selected from companies who are recognized subcontractors or suppliers of defense products or component parts. Members shall serve at the discretion of the Secretary and the USTR.

The Committee will meet approximately three or four times per year depending on the needs of the Secretary and the USTR. The Under Secretary and the Deputy USTR or their designees will convene meetings of the Committee.

Representatives from the private sector wishing further information or to be considered for appointment to the Committee should write to Colonel Ronald L. Carlberg, USAF, Director for International Acquisition, Office of the Under Secretary of Defense for Research and Engineering (Acquisition Management), Washington, D.C. 20301. M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.*
October 8, 1981.

[FR Doc. 81-29304 Filed 10-14-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Advisory Panel on Financing Elementary and Secondary Education; Meeting

Correction

In FR Doc. 81-29121 appearing on page 49634 in the issue of Wednesday, October 7, 1981, make the following correction:

Under the caption For Further Information Contact, the phone number for Will S. Myers now reading "(202) 635-8278" should have read "(202) 635-8278".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Office of Energy Research

DOE/NSF Nuclear Science Advisory Committee; Change in Meeting Agenda

This notice is to advise of an addition to the agenda of the DOE/NSF Nuclear Science Advisory Committee meeting scheduled for November 7-8, 1981, in Washington, D.C. A notice of meeting was published in the October 7, 1981, issue of the Federal Register (46 FR 49640). The following item will be added to the agenda:

Discussion of NSF and DOE Budget
Situations for FY '82 and the Impact of
These Budgets on Basic Nuclear Physics
Research

Issued at Washington, D.C. on October 9, 1981.

K. Dean Helms

Advisory Committee Management Officer.

[FR Doc. 81-23753 Filed 10-14-81; 8:45 am]

BILLING CODE 6450-01-M

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: High Energy Physics Advisory Panel.
Date and time: Sunday, November 1, 1981—
9:00 a.m.-6:00 p.m.

Place: Department of Energy, Forrestal
Building, Room 4A-104, 1000 Independence
Avenue, S.W., Washington, D.C. 20585

Contact: Dr. P. K. Williams, ER-221,
Secretary, High Energy Physics Advisory
Panel, Department of Energy, Washington,
D.C. 20545, Telephone: 301-353-3367

Purpose of committee: to provide advice
and guidance on a continuing basis with
respect to the high energy physics research
program.

Tentative agenda: discussion of an interim
report on the Intersecting Storage Accelerator
(ISABELLE) from the 1981 HEPAP Subpanel
on Long Range Planning for the U.S. High
Energy Physics Program.

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202-252-5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on October 8, 1981.

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 81-29839 Filed 10-14-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Availability of Federal Power Commission Reports; Volumes Nos. 56 and 57

Notice is hereby given that Volume Nos. 56 and 57 of the *Federal Power Commission Reports* are available for purchase at the United States Government Printing Office Bookstore. These volumes contain Federal Power Commission (Federal Energy Regulatory Commission's predecessor) opinions, orders, and precedential procedural orders.

Persons interested in purchasing Volume 56 (a two (2) Volume Set) covering the period July 1, 1976, through December 31, 1976, may remit \$55.00 for GPO Stock #061-002-000-73-1. Persons interested in purchasing Volume 57 covering the period January 1, 1977, through March 31, 1977, may remit \$25.00 for GPO Stock #061-002-000-74-0. Requests should be directed to the following address:

Superintendent of Documents, United States Government Printing Office, Washington, DC 20402.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-29877 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5290-000]

City of Darrington, Wash.; Application for Preliminary Permit

October 7, 1981,

Take notice that the City of Darrington, Washington (Applicant) filed on August 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5291 to be known as the Pugh Creek Hydropower Project located on Pugh Creek near Darrington in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Geraldine Inman, Mayor, City of

Darrington, P.O. Box 422, Darrington, Washington 98241.

Project Description—The project would consist of: (1) a 4-foot high, 70-foot long diversion structure, (2) a 7,600-foot long, 4-foot deep diversion channel; (3) a 900-foot long, 80-inch diameter steel penstock; (4) a powerhouse with total installed capacity of 2,800 kW; and (5) a 14-mile long, 12.5-kV transmission line from the powerhouse to an existing Bonneville Power Administration transmission line. The Applicant estimates that the average annual energy production would be 12.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a permit for a period of 24 months during which time it would conduct technical, environmental and economic analysis, and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before December 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE

"COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-29871 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5289-000]

City of Darrington, Wash.: Application for Preliminary Permit

October 7, 1981.

Take notice that the City of Darrington, Washington (Applicant) filed on August 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5289 to be known as the Upper White Chuck River Hydropower Project located on White Chuck River near Darrington in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Geraldine Inman, Mayor, City of Darrington, P.O. Box 422, Darrington, Washington 98241.

Project Description—The project would consist of: (1) a 6-foot high, 200-foot long diversion structure on White Chuck River and a 10,200-foot long diversion channel; (2) a 4-foot high, 60-foot long diversion structure on Camp Creek and a 3,200-foot long diversion channel; (3) a 100-foot long, 30-foot deep trough at the junction of diversion channels; (4) a 700-foot long, 70-inch diameter steel penstock; (5) a powerhouse with total installed capacity of 6,400 kw; and (6) a 16-mile long, 12.5-kV transmission line from the powerhouse to an existing Bonneville Power Administration transmission line. The Applicant estimates that the

average annual energy production would be 37 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a permit for a period of 24 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An

additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23373 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5291-000]

City of Darrington Wash.; Application for Preliminary Permit

October 7, 1981.

Take notice that the City of Darrington, Washington (Applicant) filed on August 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5291 to be known as the Lower White Chuck River Hydropower Project located on White Chuck River near Darrington in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Geraldine Inman, Mayor, City of Darrington, P.O. Box 422, Darrington, Washington 98241.

Project Description—The project would consist of: (1) a 6-foot high, 250-foot long diversion structure; (2) a 12,000-foot long, 6-foot deep diversion channel; (3) a 800-foot long, 76-inch diameter steel penstock; (4) a powerhouse with total installed capacity of 6,900 kW; and (5) a 15-mile long, 12.5 kV transmission line from the powerhouse to an existing Bonneville Power Administration transmission line. The Applicant estimates that the average annual energy production would be 39.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a permit for a period of 24 months during which time it would conduct technical, environmental and economic analysis; and prepare and FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$100,000.

Competing Applications—Anyone desiring to file a competing application

must submit to the Commission, on or before December 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before December 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23373 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5281-000]

**Falling Water Resources Inc.;
Application for Preliminary Permit**

October 7, 1981.

Take notice that Falling Water Resources Inc. (Applicant) filed on August 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5281 to be known as the Falling Water Resources Development No. 1 Project located on East Fork Trinity River near French Gulch in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. E. H. Ochirero, Falling Water Resources Inc., 2811 Bechelli Lane, Redding, California 96002.

Project Description—The project would consist of: (1) a 5-foot high, 50-foot long existing concrete diversion structure owned by Mark Grove; (2) a 9,300-foot long, 72-inch diameter conduit; (3) a 550-foot long, 60-inch diameter steel penstock; (4) a powerhouse with total installed capacity of 4,300 kW; and (5) a 5.5-mile long, 12-kV transmission line from the powerhouse to an existing Pacific Light and Electric Company transmission line. The Applicant estimates that the average annual energy production would be 38 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic analysis, and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29867 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Project No. 5361-000]

**Georgia-Pacific Corp.; Application for
Preliminary Permit**

October 7, 1981.

Take notice that Georgia-Pacific Corporation (Applicant) filed on September 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5361 to be known as the Porter Creek Water Power Project located on Porter Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: John H.

Asmundson, Project Engineering Coordinator, Georgia-Pacific Corporation, P.O. Box 1236, Bellingham, Washington 98227.

Project Description—The proposed project would consist of: (1) a 20-foot long, 4-foot high diversion structure; (2) a 1-mile long, 24-inch diameter penstock; (3) a powerhouse with an installed capacity of 1500 kW; and (4) a 5.5-mile long, 34.5-kV transmission line from the powerhouse to an existing Puget Power Company transmission line. The Applicant estimates that the average annual energy production would be 8.9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$200,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 14, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS",

"NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29875 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Project No. 4791-000]

Greenwood Ironworks; Application for Preliminary Permit

October 7, 1981.

Take notice that Greenwood Ironworks (Applicant) filed on June 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-824(r)] for Project No. 4791 to be known as the Battersea Dam located on the Appomattox River in Chesterfield County, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Joshua Greenwood, Greenwood Ironworks, 420 Grove Avenue, Petersburg, Virginia 23803.

Project Description—The proposed project would consist of: (1) an existing stone and concrete dam which measures 3 feet high and 365 feet long; (2) an existing reservoir with a surface area of 3 acres at an elevation of 29 feet above mean sea level and a storage capacity of 9 acre feet; (3) a proposed powerhouse to include generating facilities capable of obtaining an installed capacity of 450 kW; (4) proposed transmission lines; and (5) appurtenant facilities. The project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 2.4 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The

Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be \$20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 11, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 11, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing,

Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29864 Filed 10-14-81; 4:45 am]
BILLING CODE 6717-02-M

[Project No. 4667-001]

Hollingsworth & Vose Co.; Application for Exemption

October 8, 1981.

Take notice that Hollingsworth & Vose Company (Applicant), on September 14, 1981, filed an Application for Exemption for its Clarks Mills Upper Dam development, Project No. 4667, located on the Batten Kill River in Washington County, New York, for all or part of Part I of the Federal Water Power Act, pursuant to 18 CFR Part 4, Subpart K (1980), implementing in part Section 408 of the Energy Security Act of 1980 (Public Law No. 96-294, 94 Stat. 611), and Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978, Public Law No. 95-617, Title IV, 16 U.S.C. 2705 and 2708. The Application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: William J. Kenney, Esquire, Perito, Duerk, Carlson & Pinco, P.C., 1140 Connecticut Avenue, NW, Suite 400, Washington, D.C. 20036.

Project Description—The proposed run-of-the-river development which is the subject of this Application for Exemption is the upper development in the two-development project which is the subject of Applicant's Application for Preliminary Permit filed with the Commission on May 15, 1981, in Project No. 4667-000. The development would consist of: (1) the existing Upper Dam, a reinforced concrete structure approximately 340 feet long and 21 feet high; (2) the existing 875-acre foot reservoir; (3) the existing sluice gates; (4) five existing penstocks, leading to (5) an existing powerhouse containing new generators with a rated capacity of 1,500 kW; discharging into (6) an existing tailrace; (7) new switchyard equipment; (8) a new transmission line, and (9) appurtenant works. The Applicant estimates average annual energy generated at the upper development to be 7,300,000 kWh.

Purpose of the Project—Project energy would be utilized by the Applicant to serve the power needs of its existing

paper mill operated at the project site, with surplus power sold to a local public utility.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Competing Applications—The application was filed in competition with an application for preliminary permit filed on March 13, 1981, by Long Lake Energy Corporation, Project No. 4333, and, therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—The U.S. Fish and Wildlife Service and the New York State Department of Environmental Conservation are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before November 30, 1981. The Commission's address is: 825 North Capitol Street, NE, Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29872 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Project No. 5159-000]

Hydroelectric Constructors, Inc., and the North Poudre Irrigation Co.; Application for Preliminary Permit

October 7, 1981.

Take notice that Hydroelectric Constructors, Inc. and the North Poudre Irrigation Company (Applicant) filed on July 30, 1981, and revised on September 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5159 to be known as the Park Creek Reservoir Power Project located on the North Poudre Canal and Park Creek in Larimer County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Glen G. Dorman, 5353 West Dartmouth Avenue, Box 6, Denver, Colorado 80227.

Project Description—The existing project facilities owned by the North Poudre Irrigation Company consist of: (1) a canal having a capacity of 350 cfs and extending from the North Fork Cache La Poudre River near Halligan Dam to the Park Creek Reservoir; (2) a reservoir having a surface area of 275 acres and a maximum storage capacity of 7,155 acre-feet at spillway crest elevation 5,800 msl; (3) a 1,005-foot long and 114-foot high earthfill dam having a 200-foot long spillway at the right abutment; and (4) a 54-inch diameter concrete outlet conduit with gate control.

The proposed project would utilize the existing facilities and would consist of two developments:

A. The canal development comprising: (1) a new 8,000-foot long 42-inch diameter penstock; (2) a new powerhouse containing a generating unit having a rated capacity of 700 kW; (3) a new 3,500-foot long access road; and (4) appurtenant facilities. Applicant estimates that the average annual energy output would be 2,500,000 kWh.

B. The dam development comprising: (1) a new short penstock; (2) a new powerhouse containing a generating unit having a rated capacity of 400 kW; (3) a new 5-mile long 12-kV transmission line; and (4) appurtenant facilities. Applicant estimates that the average annual energy output would be 1,600,000 kWh.

Project energy would be sold to a public or private utility.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare feasibility, engineering, and hydrologic studies, conduct field surveys, prepare environmental reports and detailed plans, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be \$100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 11, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the

Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 11, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29365 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Project No. 5365-000]

Hydro Resource Co.; Application for Preliminary Permit

October 8, 1981.

Take notice that Hydro Resource Company (Applicant) filed on September 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5365 to be known as the Coal Creek Project located on Coal Creek, a tributary of the Cowlitz River in Lewis County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jerry L. Johnson, Post Office Box 485, Lynden, Washington 98264.

Project Description—The proposed project will consist of: (1) a concrete gravity diversion dam 6 feet high and 75 feet long; (2) a reservoir with negligible storage; (3) a powerhouse containing a turbine-generator with 4.5 MW capacity and 29.5 million kWh annual output; and (4) appurtenant facilities. Potential customers for the power project include the local electric-utility and the Bonneville Power Administration. The

project is located entirely on Gifford Pinchot National Forest land.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time the company plans to conduct engineering, economic and environmental studies necessary for the preparation of an application for a license to construct and operate the project. The estimated cost of conducting these studies and making the license application is \$150,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 18, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before December 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch,

Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29366 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Docket No. TA82-1-46-000]

Kentucky West Virginia Gas Co.; Proposed Change in Rates

October 6, 1981.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on September 30, 1981, tendered for filing with the Commission its Twenty-Third Revised Sheet No. 27 and Fourth Revised Sheet No. 27A to its FERC Gas Tariff, First Revised Volume No. 1, to become effective November 1, 1981.

Kentucky West states that the change in rates results from the application of the Purchase Gas Cost Adjustment provision in Section 18, General Terms and Conditions of FERC Gas Tariff, First Revised Volume No. 1, approved by the Commission in Docket No. RP76-93 and is in accordance with its Stipulation and Agreement in settlement of all issues in the rate proceeding in Docket No. RP80-7.

Kentucky West states that a copy of its filing has been served upon its purchasers and interested state commissions and upon each party on the service list of Docket No. RP80-7.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before Oct. 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29362 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Project No. 5318-000]

Modesto Irrigation District; Application for Preliminary Permit

October 8, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on September 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5318 known as the Ladies Canyon Creek Power Project located on Ladies Canyon Creek near Downieville in Sierra County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231-11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The project would consist of: (1) a 5-foot high, 40-foot long concrete diversion structure; (2) a 4,200-foot long, 60-inch diameter conduit; (3) a 4,000-foot long, 36-inch diameter steel penstock; (4) a powerhouse with total installed capacity of 5,100 kW; and (5) a 0.1-mile long, 12-kV transmission line from the powerhouse to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual production would be 44 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$45,000.

Competing Applications—This application was filed as a competing application to the Ladies Canyon Creek Project No. 5199 filed on August 7, 1981, by Mac-Hydro Power, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent is November 13, 1981. Anyone desiring to file a competing application must submit to the Commission, on or before November 13, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an

acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before November 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29883 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Project No. 5319-000]

Modesto Irrigation District; Application for Preliminary Permit

October 8, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on September 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791 (a)-825(r)] for Project

No. 5319 to be known as the Haypress Creek Power Project (Middle Facility) located on Haypress Creek near Sierra City in Sierra County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th street, P.O. Box 4060, Modesto, California 95352.

Project Description—The project would consist of: (1) a 5-foot high, 30-foot long concrete diversion structure; (2) a 3200-foot long, 60-inch diameter conduit; (3) a 2200-foot long, 36-inch diameter steel penstock; (4) a powerhouse with total installed capacity of 5,100 kW; and (5) a 1.5-mile long, 12-kV transmission line from the powerhouse to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy production would be 44 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$45,000.

Competing Applications—This application was filed as a competing application to Haypress Creek (Middle Facility) Project No. 5198 filed on August 7, 1981, by Mac Hydro-Power Company, Inc., under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent is November 13, 1981. Anyone desiring to file a competing application must submit to the Commission, on or before November 13, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-23370 Filed 10-14-81; 8:45 am].
BILLING CODE 6717-02-M

[Project No. 5350-000]

Tehama County Flood Control and Water Conservation District; Application for Preliminary Permit

October 7, 1981.

Take notice that Tehama County Flood Control and Water Conservation District (Applicant) filed on September 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5350 known as the South Fork Battle Creek Hydroelectric Project located on South Fork Battle Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Application should be directed to: Lawrence A.

Coleman, Director of Water Resources, Route 1, Box 4, Gerber, California 96035.

Project Description—The proposed project would consist of: (1) a 10-foot high, 35-foot long rubble masonry diversion structure; (2) an 8.5-mile long trapezoidal canal; (3) a 48-inch diameter, 11,000-foot long penstock; (4) a powerhouse to contain a single generating unit with a rated capacity of 8,200 KW; and (5) a 1-mile long 12-kV transmission line.

The estimated average annual energy production is 35.4 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of carrying out these studies and preparing an application for an FERC license is estimated to cost between \$80,000 and \$140,000.

Competing Applications—This application was filed as a competing application to the South Fork Battle Creek Hydroelectric Projects Nos. 4527 and 5063 filed on April 14, 1981, and June 6, 1981, respectively, by North Valley Hydro, Inc. and Diamond International Corporation, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 18, 1981.

Filing and Service of Responsive documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-23374 Filed 10-14-81; 8:45 am].
BILLING CODE 6717-02-M

[Project No. 5335-000]

Duane Walker, M.D.; Application for Preliminary Permit

October 7, 1981.

Take notice that Duane Walker, M.D. (Applicant) filed on September 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5335 to be known as the Irving Creek Project located on Irving Creek, a tributary of the Klamath River in Siskiyou County, California. The application is on file with the commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mervin N. Bennett, P.E., Power Consultant, 7120 Del Rio Drive, Modesto, California 95356.

Project Description—The proposed project would consist of: (1) a diversion structure, which would create no significant impoundment; (2) 9,000 feet of 24-inch pipeline/penstock; (3) a powerhouse containing a turbine-generator with rated capacity 1.3 MW and average annual energy production 4900 MWh; (4) transmission lines; and (5) appurtenant facilities. The project would be connected to the Pacific Gas and Electric Company system and its output made available to customers of that utility. The diversion structure and most of the pipeline/penstock lie on Klamath National Forest land.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued,

does not authorize construction. The Applicant seeks issuance of a Preliminary Permit for a period of 36 months, during which time studies will be undertaken to determine feasibility of the project and to support an application for a license. The estimated cost of these studies is \$65,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 14, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A

copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29805 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5340-000]

Western Power, Inc.; Application for Preliminary Permit

October 8, 1981.

Take notice that Western Power, Inc., (Applicant) filed on September 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5340 to be known as the Scott Peak Power Project located on Troublesome Creek, in Snohomish County near the Town of Index, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas R. Childs, Western Power, Inc., 2136 James Street, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) an approximately 60-foot long by 5-foot high diversion structure; (2) a 10,000-foot long, 54-inch water conduit; (3) a surge tank; (4) an 1100-foot long, 42-inch diameter steel penstock; (5) a powerhouse with an installed capacity of 3.9 MW; and (6) a 300-foot long, 69-kV transmission line to connect to the 69-kV transmission line proposed for the Storm Ridge Power Project No. 5305 which would connect with an existing Bonneville Power Administration line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking a 24-month preliminary permit to study the feasibility of constructing and operating the proposed project. No new road construction would be required to conduct the feasibility studies. Boring tests would be conducted at the proposed diversion structure and powerhouse sites and along the penstock route. Any disturbed land would be returned to its natural state after the completion of the tests.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 17, 1981, either the

competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18, CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29809 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket Nos. C171-134-000, et al.]

Natural Gas Companies; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates.¹

October 6, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 20, 1981, file with the Federal

Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of

Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

| Docket No. and date filed | applicant | Purchaser and location | Price per 1,000 ft. ³ | Pressure Base |
|--|--|--|----------------------------------|---------------|
| C171-134, B, Sept. 5, 1979 | Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046. | Michigan Wisconsin Pipe Line, Corporation, Woodward Area, Dewey County, Oklahoma. | (7) | |
| C181-501-000, A, Sept. 21, 1981 | Amoco Production Company, P.O. Box 3032, Houston, Texas 77001. | Transcontinental Gas Pipe Line, Corporation, White Kitchen Field, La Salle County, Texas. | (7) | 14.65 |
| C181-502-000 (C177-737), B, Sept. 24, 1981 | ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221. | Transwestern Pipeline Company, Grayburg-Monroe Field, Eddy County, New Mexico. | (7) | |
| C181-503-000, F, Sept. 23, 1981 | Tenneco Oil Company (Succ. in interest to Alpar Resources Inc.), P.O. Box 2511, Houston, Texas 77001. | El Paso Natural Gas Company, Hemphill Field, Hemphill County, Texas. | (7) | 14.73 |
| C181-504-000, B, Sept. 23, 1981 | ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221. | Husky Oil Company, Northwest Elk Basin Field, Carbon County, Montana. | (7) | |
| C181-505-000, E, Sept. 28, 1981 | Getty Oil Company (Succ. Inc. interest to Getty Reserve Oil, Inc.), P.O. Box 1404, Houston, Texas 77001. | El Paso Natural Gas Company, Antwell "X-1" No. 1, and the Belco Martin No. 1, South Carlsbad Field, Eddy County, New Mexico. | (7) | 14.65 |
| C181-506-000 A, Sept. 28, 1981 | Conoco Inc., P.O. Box 2197, Houston, Texas 77252. | Transcontinental Gas Pipe Line Corporation, Block A-85 Field, Mustang Island Area, Offshore Texas. | (7) | 14.73 |

¹ By assignment and Agreement executed May 22, 1979, but made effective May 15, 1979, Mobil assigned to Texas Oil & Gas Corporation, Small Producer applicant in Docket No. CS75-0470 all of its title and interest in and to certain non-producing oil and gas leases.

² Applicant is filing under Gas Purchase Agreement dated April 1, 1981.

³ Contract expired by its own term on September 14, 1979. The only gas available from acreage subject to this Contract was low-pressure gas which was released from the Contract and subsequently committed to Phillips Petroleum Company.

⁴ Tenneco Oil Company has succeeded to Alpar Resources Inc. insofar as its particular 18.75% working interest in leases operated by Alpar Resources, Inc.

⁵ Applicant is filing under Gas Purchase and Sales Agreement dated June 1, 1981.

⁶ Purchaser has removed pipeline connection due to little or no production from the well for the past year. Contract was terminated effective August 1, 1981, pursuant to Article 7, Unprofitable Gas provision of Contract.

⁷ Effective August 1, 1980, Getty Reserve Oil, Inc. assigned all of its oil, gas and mineral properties, assets and rights to Getty Oil Company.

⁸ Applicant is filing under Gas Purchase Contract dated January 3, 1977.

⁹ Applicant is filing under Gas Purchase and Sales Agreement dated September 1, 1981.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 81-29886 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER81-786-000]

Commonwealth Edison Co.; Filing

October 7, 1981.

The filing Company submits the following:

Take notice that Commonwealth Edison Company (CE) on September 28, 1981, tendered for filing Amendment No. 8 to the Interconnection Agreement dated as of November 1, 1964 between CE and Central Illinois Public Service Company (CIP).

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

CE states that Amendment No. 8 provides for an increase in the Short Term Power demand charges for interconnection transactions between the Companies in accordance with Service Schedule C.

The Companies propose to make the filing effective 60 days after filing.

CE states that copies of the filing were served upon CIP, and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections

1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29883 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER81-789-000]

CP National Corp.; Filing

October 7, 1981.

The filing Company submits the following:

Take notice that on September 29, 1981, CP National Corporation (CPN) tendered for filing, a Residential Purchase and Sale Agreement (Agreement) between CPN and The Bonneville Power Administration (BPA).

The Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501. The Agreement provides for the exchange of electric power between CPN and BPA for the benefit of CPN's residential and farm customers.

CPN requests waiver of the Commission's notice requirements to allow for an effective date of October 1, 1981.

CPN states that a copy of the filing was served upon BPA.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29870 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Docket No. TA82-1-51-000]

**Great Lakes Gas Transmission Co.;
Proposed Changes in F.E.R.C. Gas
Tariff Under Purchased Gas
Adjustment Clause Provisions**

October 6, 1981.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on September 30, 1981, tendered for filing Thirty-Ninth-A Revised Sheet No. 57 and Third Revised Sheet No. 57-A to its FERC Gas Tariff First Revised Volume No. 1, proposed to be effective November 1, 1981.

Great Lakes states that Thirty-Ninth-A Revised Sheet No. 57 reflects a

purchased gas cost adjustment related to an increase in the cost of gas purchased from TransCanada PipeLines Limited, its sole supplier of natural gas, as a result of an increase in the heat content of the gas and a purchased cost surcharge resulting from maintaining an unrecovered purchased gas cost account for the period commencing March 1, 1981 and ending August 31, 1981.

In addition, Third Revised Sheet No. 57-A reflects the projected incremental pricing surcharge for the November 1, 1981 through April 30, 1982 period for which it is estimated that no incremental costs will be subject to pass-through.

Great Lakes also states that copies of this filing have been served upon its customers and the Public Service Commission of Minnesota, Wisconsin and Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules and Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before October 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29881 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Docket No. TA82-1-53-000 (PGA82-1)]

**Kansas-Nebraska Natural Gas
Company, Inc.; Proposed Changes in
FERC Gas Tariff**

October 6, 1981.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) on September 30, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. The proposed changes will adjust its rates charged its jurisdictional customers pursuant to the Purchased Gas Cost Adjustment provision (Section 19) and its Incremental Pricing Surcharges provision (Section 20) of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1. The proposed changes would increase the

commodity rate under each of Kansas-Nebraska's jurisdictional rate schedules by 26.09¢ per Mcf, of which 49.96¢ per Mcf represents the increase in the base gas cost and (23.87¢) per Mcf the decrease in the unrecovered gas cost surcharge. This filing is proposed to become effective on December 1, 1981.

Kansas-Nebraska has tendered herewith for filing with the Commission two filings, Alternative One and Alternative Two. In Alternative One, the cost of gas increase includes Kansas-Nebraska's own production from leases acquired after October 7, 1969, and all wells drilled after December 31, 1972 regardless of lease acquisition date, valued at the maximum lawful price as prescribed by the Natural Gas Policy Act of 1978. In Alternative Two, the cost of gas increase does not include Kansas-Nebraska's own production.

If in the event the Commission rejects for filing Alternative One, Kansas-Nebraska seeks to have the Commission's order approving Alternative Two give recognition to the fact that Order No. 102 is currently subject to judicial review and that the outcome of that review may result in the reversal or modification of Order Nos. 58, 98, and 102 as they apply to Kansas-Nebraska. Accordingly, Kansas-Nebraska requests that the Commission in its order include the following language:

This order and paragraph and Kansas-Nebraska's compliance with it are based upon the Commission Order Nos. 58, 98, and 102, and shall therefore be subject to the outcome of judicial review of Order Nos. 58 and 102 of the United States Court of Appeals for the Fifth Circuit in *Mid-Louisiana Gas Company, et al. v. the Federal Energy Regulatory Commission, No. 80-3804*, and Order Nos. 98 and 102 as in *Consolidated Gas Supply Corporation, et al. v. the Federal Energy Regulatory Commission, No. 80-4010*.

Kansas-Nebraska's filing is made without prejudice to its rights under the Stipulation and Agreement dated March 16, 1981, to charge and collect NGPA prices on its own production or its rights as determined by the courts to charge and collect NGPA prices on its own production.

Kansas-Nebraska requests that the Commission take action on the instant filing in advance of the proposed December 1, 1981 effective date. Certain of Kansas-Nebraska's customers are unable to secure the necessary authority from state commissions and municipalities to pass through Kansas-Nebraska's rate adjustments without first presenting a copy of this

Commission's Order approving Kansas-Nebraska's rate application. Kansas-Nebraska understands that these customers are unable to recoup that portion of Kansas-Nebraska's rate increases which are effective prior to the approval of the pass-through by the state commission or municipality.

Copies of the filing were served upon the company's jurisdictional customers, interested public bodies, and all direct and indirect customers which will be subject to the incremental pricing provisions.

Any person desiring to be heard or make any protest with reference to this filing should, on or before October 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-23883 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Docket No. ES81-88-000]

Kansas Power & Light Co.; Application

October 7, 1981.

Take notice that on September 28, 1981, The Kansas Power and Light Company (Applicant) filed an application seeking authority pursuant to Section 204 of the Federal Power Act to issue up to \$100,000,000 in the aggregate principal amount of short-term unsecured Promissory Notes in the form of commercial paper, on or before December 31, 1982, with a final maturity date of not later than December 31, 1983.

Any person desiring to be heard or to make any protest with reference to the application should on or before October 28, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the

Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-23884 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Docket No. ER81-782-000]

Northern States Power Co.; Filing

October 7, 1981.

The filing Company submits the following:

Take notice that Northern States Power Company (NSP) on September 25, 1981, tendered for filing Supplement No. 4, dated September 15, 1981, to the Firm Power Service Resale Agreement, dated January 6, 1969, with the City of Granite Falls, Minnesota. NSP proposes an effective date of October 20, 1981.

NSP states that Supplement No. 4 amends the Resale Agreement to provide for Northern States to transmit power and energy from Western Area Power Administration to the City of Granite Falls and allows the City to purchase the balance of its requirements from NSP as Load Pattern Power.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-23882 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Docket No. ER81-779-000]

Pacific Power & Light Co.; Filing

October 7, 1981.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on September 28, 1981, tendered for filing, in accordance with Section 35.12 of the Commission's Regulations, the Residential Purchase and Sale Agreement between Pacific and the Bonneville Power

Administration (Bonneville). The Agreement provides for the exchange of power between Bonneville and Pacific.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective October 1, 1981, which it claims is the date of commencement of service.

Copies of the filing were supplied to Bonneville, the Idaho and Montana Public Utility Commissions, the Oregon Public Utility Commissioner and the Washington Utilities and Transportation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-23837 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Docket No. RA82-1-000]

Plateau, Inc.; Filing of Petition for Review

October 7, 1981.

Take notice that Plateau, Inc. on October 1, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before Oct. 22, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved

or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 22, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29888 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Docket No. ER81-788-000]

Portland General Electric Co.; Filing

October 7, 1981.

The filing Company submits the following:

Take notice that on September 28, 1981, Portland General Electric Company (PGE), tendered for filing, a Residential Purchase and Sale Agreement (Agreement) between PGE and The Bonneville Power Administration (BPA).

PGE states that the Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501. The Agreement provides for the exchange of electric power between PGE and BPA for the benefit of PGE's residential and farm customers.

PGE requests waiver of the Commission's notice requirements in order to allow for an effective date of October 1, 1981.

PGE further states that a copy of the filing was served upon BPA.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 26, 1981. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29889 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER81-778-000]

Puget Sound Power & Light Co.; Filing

October 7, 1981.

The filing Company submits the following:

Take notice that on September 25, 1981, Puget Sound Power & Light Company (Puget), tendered for filing, a Residential Purchase and Sale Agreement (Agreement) between Puget and the Bonneville Power Administration (BPA).

Puget states that the Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501. The Agreement provides for the exchange of electric power between Puget and BPA for the benefit of Puget's residential and farm customers.

Puget requests waiver of the Commission's notice requirement to allow for an effective date of October 1, 1981.

Puget states that a copy of the filing was served upon BPA.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29890 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER81-784-000]

San Diego Gas & Electric Co.; Proposed Tariff Change

October 7, 1981.

The filing Company submits the following:

Take notice that San Diego Gas & Electric Company (SDG&E), on September 28, 1981, tendered for filing two Service Agreements under Volume 1 to its FERC Electric Tariff under which SDG&E will sell and deliver nonfirm energy to any electric utility for resale in accordance with SDG&E's Service Schedule, SDG&E-1.

SDG&E requests waiver of the Commission's notice requirements to allow for an effective date of July 1, 1981.

SDG&E states that copies of the filing were served on all parties to the Service Agreements, and the state Regulatory Commissions of California, New Mexico and Arizona.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29391 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket Nos. RM79-79-34 and ST81-395]

Transportation Certificates for Natural Gas Displacement, of Fuel Oil and Michigan Gas Storage: Self-Implementing Transactions.

October 7, 1981.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates

transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.112 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's Regulations. Any

interested person may file a complaint concerning such transactions pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interstate pipe line on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HT)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,
Secretary.

| Docket No. | Transporter/Seller | Recipient | Date Filed | Part 284 subpart | Expiration date ¹ | Transportation rate (C/ MMBTU) |
|------------|--------------------------------------|--------------------------------------|------------|------------------|------------------------------|--------------------------------|
| ST81-395 | Michigan Gas Storage Co. | Consumers Power Co. | 03/03/81 | B | | |
| ST81-396 | East Texas Industrial Gas Co. | United Gas Pipe Line Co. | 03/07/81 | D | | |
| ST81-397 | Natural Gas Pipeline Co. of America | Do | 03/04/81 | G | | |
| ST81-398 | Do | Southern Natural Gas Co. | 03/04/81 | G | | |
| ST81-399 | Transcontinental Gas Pipe Line Corp. | Consolidated Edison Co. of New York | 03/03/81 | F | | |
| ST81-400 | Delhi Gas Pipeline Corp. | Natural Gas Pipeline Co. of America | 03/05/81 | C | | |
| ST81-401 | Do | Texas Eastern Transmission Corp. | 03/06/81 | D | 01/03/82 | 39.07 |
| ST81-402 | Transcontinental Gas Pipe Line Corp. | Delhi Gas Pipeline Corp. | 03/05/81 | B | | |
| ST81-403 | Southern Natural Gas Co. | Transcontinental Gas Pipe Line Corp. | 03/07/81 | G | | |
| ST81-404 | Michigan Consolidated Gas Co. | Michigan Wisconsin Pipe Line Co. | 03/03/81 | G(HT) | | |
| ST81-405 | Panhandle Eastern Pipe Line Co. | West Lake Arthur Distribution Co. | 03/10/81 | B | | |
| ST81-406 | Transcontinental Gas Pipe Line Corp. | United Gas Pipe Line Co. | 03/10/81 | G | | |
| ST81-407 | Channel Industries Gas Co. | Transcontinental Gas Pipe Line Corp. | 03/10/81 | C | | |
| ST81-408 | Southern Natural Gas Co. | Trans Louisiana Gas Co., Inc. | 03/10/81 | B | | |
| ST81-409 | Northern Natural Gas Co. | United Gas Pipe Line Co. | 03/11/81 | G | | |
| ST81-410 | Texas Eastern Transmission Corp. | Do | 03/11/81 | G | | |
| ST81-411 | Do | Southern Natural Gas Co. | 03/11/81 | G | | |
| ST81-412 | Industrial Gas Services, Inc. | Colorado Interstate Gas Co. | 03/11/81 | D | 01/03/82 | 65.00 |
| ST81-413 | Tennessee Gas Pipeline Co. | Consolidated Edison Co. of New York | 07/31/81 | F | | |
| ST81-414 | Mountain Fuel Supply Co. | Colorado Interstate Gas Co. | 03/14/81 | G | | |
| ST81-415 | Louisiana Resources Co. | Faustina Pipe Line Co. | 03/14/81 | C | 01/11/82 | 22.25 |
| ST81-416 | Panhandle Eastern Pipe Line Co. | Delhi Gas Pipeline Corp. | 03/14/81 | B | | |
| ST81-417 | Louisiana Intrastate Gas Corp. | United Gas Pipe Line Co. | 03/17/81 | C | 01/14/82 | 20.00 |
| ST81-418 | Natural Gas Pipeline Co. of America | Trans Louisiana Gas Co., Inc. | 03/17/81 | B | | |
| ST81-419 | Do | Transcontinental Gas Pipe Line Corp. | 03/17/81 | G | | |
| ST81-420 | Do | Texas Eastern Transmission Corp. | 03/17/81 | G | | |
| ST81-421 | Do | Tennessee Gas Pipeline Co. | 03/17/81 | G | | |
| ST81-422 | Transcontinental Gas Pipe Line Corp. | United Gas Pipe Line Co. | 03/17/81 | G | | |
| ST81-423 | Do | Texas Eastern Transmission Corp. | 03/17/81 | G | | |
| ST81-424 | Texas Eastern Transmission Corp. | Columbia Gulf Transmission Corp. | 03/20/81 | G | | |
| ST81-425 | Do | Michigan Wisconsin Pipe Line Co. | 03/20/81 | G | | |
| ST81-426 | Northwest Pipeline Corp. | El Paso Natural Gas Co. | 03/24/81 | G | | |
| ST81-427 | Do | Colorado Interstate Gas Co. | 03/24/81 | G | | |
| ST81-428 | United Gas Pipe Line Co. | Southern Natural Gas Co. | 03/25/81 | G | | |
| ST81-429 | Delhi Gas Pipeline Corp. | Texas Eastern Transmission Corp. | 03/25/81 | C | | |
| ST81-430 | Do | Panhandle Eastern Pipe Line Co. | 03/25/81 | C | | |
| ST81-431 | Oasis Pipe Line Co. | United Gas Pipe Line Co. | 03/14/81 | C | | |
| ST81-432 | Houston Pipe Line Co. | Do | 03/14/81 | C | | |
| ST81-433 | Mississippi River Transmission Corp. | El Paso Natural Gas Co. | 03/27/81 | G | | |
| ST81-434 | El Paso Natural Gas Co. | Texas Eastern Transmission Corp. | 03/31/81 | G | | |
| ST81-435 | Natural Gas Pipeline Co. of America | Northern Natural Gas Co. | 03/31/81 | G | | |

¹ The Intrastate Pipeline has sought Commission approval of its transportation rate pursuant to section 284.123(b)(2) of the Commission's regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 81-29885 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ST80-83-001]

Transwestern Pipeline Co.; Extension Reports

October 7, 1981.

The companies listed below have filed extension reports pursuant to section 311 of the Natural Gas Policy Act of 1979 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue

transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. The letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an

intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before October 30, 1981 file with the Federal Energy Regulatory Commission, Washington D.C. 20426, a petition to

intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party

to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

| Docket No. | Transporter/Seller | Recipient | Date filed | Part 284 subpart | Effective date |
|-------------------|---|--------------------------------------|------------|------------------|----------------|
| ST80-83-001..... | Transwestern Pipeline Co., P.O. Box 2521, Houston, TX 77001. | Delphi Gas Pipeline Corp..... | 09/11/81 | B..... | 12/01/81 |
| ST80-101-001..... | Texas Gas Transmission Corp., 3809 Frederica Street, Owensford, KY 42301. | City of Murray, Kentucky..... | 09/11/81 | B..... | 12/11/81 |
| ST80-118-001..... | United Texas Transmission Co., P.O. Box 1478, Houston, TX 77001. | Texas Eastern Transmission Corp..... | 09/10/81 | D..... | 12/11/81 |
| ST80-143-001..... | United Texas Transmission Co., P.O. Box 1478, Houston, TX 77001. | Transwestern Pipeline Co..... | 09/10/81 | D..... | 12/21/01 |

[FR Doc. 81-29892 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER81-783-000]

Washington Water Power Co.; Filing

October 7, 1981.

The filing Company submits the following:

Take notice that on September 28, 1981, The Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as a "Letter Agreement" dated August 21, 1981 between Washington and Public Utility District No. 1 of Douglas County (Douglas). The Agreement provides for the delivery of energy to Washington beginning July 1981 with the return to Douglas during the months of September 1981 through June 1982 at a reduced rate. Any energy not returned can be settled out at a price of 20 mills per kilowatt-hour.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to July 20, 1981, adding that there would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29893 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER81-387-001]

Central Power & Light Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Permission to Revise Rates During a Suspension Period, Granting Waiver of Notice, and Consolidating Dockets

October 8, 1981.

On March 31, 1981, CP&L filed in Docket No. ER81-387-000, increased rates for service to six full requirements electric cooperative customers¹ and the Public Utility Board of the City of Brownsville, Texas (Brownsville), which is served under a separate agreement. By order dated May 29, 1981, the Commission accepted CP&L's rates for filing, as modified by summary disposition, granted intervention to CP&L's customers, and suspended the rates for five months to become effective subject to refund on October 31, 1981, for the full requirements customers and on March 1, 1982, for Brownsville.²

On August 13, 1981, CP&L submitted a revised filing for the stated purpose of correcting a clerical error in the original

filing.³ This error resulted in the misstatement of CP&L's interest expense deduction used in calculating Federal income taxes. The proposed change would increase test year revenues by \$195,585 above the originally requested rate increase of \$3,645,035 to CP&L's customers.⁴

CP&L requests permission under § 35.17 of the Commission's regulations to file the revision during the suspension period previously established. CP&L also requests waiver of the notice requirements so that the revisions may become effective on the dates established for the original filing by the order of May 29, 1981.

Notice of the filing was issued on August 24, 1981, with responses due on or before September 14, 1981. Motions for an extension of the comment period to September 28, 1981, were filed by STEC/MEC and REA jointly, and by Brownsville. An extension was granted to September 21, 1981, and Brownsville on that date filed a protest opposing the request for waiver of the regulations but stating that it would not object if the Commission deferred ruling on the filing pending the completion of settlement negotiation currently underway among the parties. No other pleadings were filed.

Discussion

CP&L's August 13 filing, although characterized as a "supplement" by the

¹ Magic Valley, Rio Grande, and Kimble Electric Cooperatives, represented collectively as REA Cooperatives (REA), and Medina, Victoria County, and Nueces Electric Cooperatives, represented collectively as STEC/MEC.

² Because Brownsville's contract requires four-months notice prior to filing of proposed rate increases, the filing date for the rate increase applicable to service to Brownsville was deferred for four months (until July 31, 1981), with the suspension period commencing from 60 days after July 31, 1981.

⁴ See Attachment A for rate schedule designations.

company, is a change in a rate schedule already under suspension within the meaning of § 35.17(b) of the Commission's regulations. *See Also* § 2.4 of the Commission's rules of practice and procedure. Section 35.17(b) provides that such a change may be filed only "by special permission of the Commission granted upon application therefor and for good cause shown."

Brownsville argues in its protest that the company's customers should not be required to deal with repeated changes in rate filings, suggests that CP&L's revisions would create a "moving target," and apparently seeks to have the filing rejected on that basis.⁵ We understand the customer's concern in being confronted with the prospect of further increased rates and we do not disagree that great care should be taken by a filing utility to assure from the outset that a rate increase filing is compiled precisely and accurately. However, Brownsville's pleading appears to suggest a recurring pattern of corrections and revisions. This has not been the case and there is no indication of bad faith or misfeasance on the part of CP&L. Rather, the company has discovered and promptly attempted to correct a single error in its cost of service which, in any event, could be reflected in revised rates following the suspension period. Under the limited circumstances presented, the Commission finds that good cause exists to permit the filing of a change during the currently effective suspension period under the terms of § 35.17(b).

In a number of suspension orders,⁶ the Commission has addressed the considerations underlying its policy regarding rate suspensions. For the reasons given there, the Commission has concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads it to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. The Commission has acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. The underlying filing in this case was suspended for the maximum period,

based on our analysis of that filing. We note, however, that the instant submittal reflects no more than the correction of a mechanical error in the original filing. Furthermore, the revenue effect of this correction is not substantial in relation to the magnitude of the originally filed rate increase. Under these circumstances, it appears neither necessary nor appropriate to impose another extended suspension. The refund protection associated with a nominal suspension should adequately protect the affected customers. In view of the corrective nature of CP&L's filing, we also find that good cause exists to grant waiver of the notice requirements. Accordingly, we shall suspend the amended rates to become effective, subject to refund, as of October 31, 1981, for CP&L's full requirements customers and as of March 1, 1982, for Brownsville.

We further find that common questions of law and fact are presented in Docket Nos. ER81-387-000 and ER81-387-001. As a result, we shall consolidate these dockets for purposes of hearing and decision.

The Commission orders:

(A) Waiver of notice is hereby granted and CP&L's application for special permission to file a change in its rates during the period of suspension pursuant to section 35.17(b) of the Commission's regulations is hereby granted.

(B) CP&L's proposed change in its prior filing is hereby accepted for filing and suspended to become effective, subject to refund, on October 31, 1981, for the full requirements customers and March 1, 1982, for Brownsville.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held concerning the justness and reasonableness of CP&L's rates.

(D) The proceedings in Docket No. ER81-387-001 are hereby consolidated with the proceedings in Docket No. ER81-387-000 for purposes of hearing and decision.

(E) The administrative law judge designated to preside in Docket No. ER81-387-000 shall determine the procedures appropriate to accommodate consolidation of this docket with the pending proceeding.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT A

Central Power & Light Company, Docket No. ER81-387-001

Rate Schedule Designations

Designation and Other Party

(1) First Revised Sheet No. 6-A to FERC Electric Tariff, 2nd Revised Volume No. 1 (Supersedes Original Sheet No. 6-A)—Tariff Customer.

(2) First Revised Sheet No. 7-A to FERC Electric Tariff, 2nd Revised Volume No. 1 (Supersedes Original Sheet No. 7-A)—Tariff Customer.

(3) Supplement No. 2 to Supplement No. 5 to Rate Schedule FERC No. 62 (Supersedes Supplement No. 1 to Supplement No. 5)—City of Brownsville, Texas.

[FR Doc. 81-25233 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket Nos. ER81-132-000 and ER81-305-000]

Cincinnati Gas and Electric Co. and Union Light, Heat and Power Co.; Order Granting Motion To Collect Interim Settlement Rates

October 9, 1981.

On September 10, 1981, Cincinnati Gas and Electric Company (CG&E) and Union Light, Heat and Power Company (Union) filed a joint motion seeking Commission authorization to collect interim rates contained in a settlement agreement among CG&E, Union, and the intervenors in this proceeding at the time of settlement,¹ pending action by the Commission on the offer of settlement. The settlement offer was filed on August 7, 1981, and was certified to the Commission on September 14, 1981. CG&E and Union seek permission to collect the settlement rates, subject to refund, in lieu of the rates originally filed by CG&E in Docket No. ER81-132-000 and by Union in Docket No. ER81-305-000, as of the first billing date following Commission approval of the instant motion. In conjunction with their request for authorization to collect the settlement rates, CG&E and Union also request authorization to refund to their

⁵ Brownsville does not specifically address the issue of whether there is good cause for permitting the filing during the suspension period, but bases its objections primarily on CP&L's request for waiver of notice.

⁶ E.g., *Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER60-506, et al. (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket Nos. ER80-488 (August 22, 1980) (one day suspension).

¹ These intervenors include the Villages of Bethel, Blanchester, Georgetown, Hamersville, and Ripley, Ohio, the Public Service Commission of Kentucky, and the City of Williamstown, Kentucky. On July 29, 1981, Newport Steel Corporation (Newport) filed a petition to intervene out of time which was amended on August 7, 1981. By order of the presiding judge dated August 18, 1981, Newport was permitted to intervene solely for purposes of filing comments on the settlement agreement among the remaining parties. However, Newport did not file any comments with respect to the settlement.

respective wholesale customers amounts collected in excess of the amounts that would have been collected under the settlement rates, including interest computed pursuant to § 35.19a of the Commission's regulations.

The rates originally filed by CG&E became effective, subject to refund, on June 25, 1981. The rates originally filed by Union, a wholesale customer of CG&E, became effective, subject to refund, on June 26, 1981. The settlement rates represent a reduction in requested revenues. According to CG&E and Union, the purpose of the instant motion is to give their customers the benefit of the settlement rate reduction immediately and thus reduce CG&E's and Union's refund obligations. Under the circumstances presented, we find that good cause exists to grant the motion.

Pursuant to § 35.1(e) of the Commission's regulations, we shall permit CG&E and Union to collect the rates contained in their offer of settlement from their respective customers, subject to refund, from the first billing date following this order until such time as the Commission acts on the offer of settlement filed by CG&E and Union. In the event that the Commission does not approve the offer of settlement, the originally filed rates in these dockets shall be applied prospectively only. This order shall be without prejudice to our subsequent determination with respect to the merits of the offer of settlement.

The Commission orders:

(A) The motion filed on September 10, 1981, by CG&E and Union for permission to collect interim settlement rates in lieu of the rates originally filed in these dockets is hereby granted. CG&E and Union are authorized to collect, subject to refund, the rates contained in their motion and offer of settlement from the first billing date following this order until the Commission acts on the offer of settlement. CG&E and Union shall refund to their respective wholesale customers all amounts which have been collected under the rates originally filed in these dockets, with interest computed in accordance with § 35.19a of the regulations. In the event that the Commission does not approve the offer of settlement which has been filed in these dockets, the originally filed rates shall be applied prospectively only from the date of issuance of an order rejecting the offer of settlement.

(B) The Secretary shall promptly

publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29396 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Project No. 3166-002]

**National Fiber Insulation Co., Inc.;
Application for Short-Form License
(Minor)**

October 8, 1981.

Take notice that National Fiber Insulation Co., Inc. (Applicant) filed on July 8, 1981, an application for short-form license (minor) (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 3166 known as the National Fiber Upper Hydroelectric Project located on the Swift River in the Towns of Belchertown and Palmer, in Hampshire and Hampden Counties, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: National Fiber Insulation Co., Inc., 60 Shumway Street, Amherst, Massachusetts 01002.

Project Description. The proposed run-of-the-river project would consist of existing project works including: (1) National Fiber Upper Dam, a 122-foot long and 15-foot high granite masonry structure (Mass. I.D. Number 2918) owned by the Applicant; (2) a reservoir of negligible storage capacity with a surface area of 60 acres at spillway crest elevation 363.7 feet M.S.L.; (3) an intake structure; (4) a headrace canal about 100 feet long and 38 feet wide; and new project works to include (5) a millrace 7 feet long and 10 feet wide; (6) a powerhouse with an installed capacity of 63.3 kW; (7) a discharge channel; (8) a 2,000-foot long transmission line; and (9) other appurtenances. Applicant estimates annual generation would average 423,000 kWh.

This application was filed during the term of the preliminary permit issued to the Applicant on September 4, 1980.

Purpose of Project. Project energy would be partially utilized by the Applicant for internal manufacturing processes with the remainder being sold to the Massachusetts Electric Company.

Competing Applications. Anyone desiring to file a competing application must submit to the Commission, on or before December 18, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c)

(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c). Since this application was filed during the term of a preliminary permit, any party intending to file a competing application should review 18 CFR 4.33(h).

Agency Comments. Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene. Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 18, 1981.

Filing and Service of Responsive Documents. Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-29390 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Docket No. CP81-522-000]

**Northern States Power Co.
(Minnesota); Application**

October 8, 1981.

Take notice that on September 18, 1981, Northern States Power Company (Minnesota) (Applicant), 414 Nicollet Mall, Minneapolis, Minnesota 55401, filed in Docket No. CP81-522-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of certain liquefied natural gas services to its wholly-owned subsidiary, Northern States Power Company, a Wisconsin corporation (NSP-Wis), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an LNG service agreement dated June 1, 1981, Applicant would provide two LNG services for NSP-Wis. It is stated that Applicant would liquefy at its Wescott LNG Plant near St. Paul, Minnesota, during each liquefaction season during the term of the agreement up to 110,000 Mcf of gas purchased by NSP-Wis from Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) to refill NSP-Wis' LNG storage tank near La Crosse, Wisconsin. It is asserted that these volumes would be transported to the La Crosse storage tank by cryogenic semi-trailer.

Applicant further proposes a liquefaction and storage service under which Applicant would liquefy at its Wescott LNG Plant up to an additional 100,000 Mcf of NSP-Wis' purchases from Northern. It is submitted that these volumes would be stored at the Wescott LNG Plant for redelivery in liquid form or by displacement to NSP-Wis during the heating season. It is asserted that this service would provide NSP-Wis with additional peak shaving volumes necessary to enable it to attach new high-priority customers.

NSP-Wis, it is stated, would provide fuel volumes equal to 20 percent of the volume delivered for liquefaction. Applicant further asserts that charges for the services rendered have not been established at a fixed level; however, NSP-Wis would be required to pay a monthly charge for the plant-related fixed costs and a volumetric charge to reimburse Applicant for the operations and maintenance expenses associated with the services.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 28, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a

protest in accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28397 Filed 10-14-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5301-000]

**Surprise Valley Electrification Corp.;
Application for Preliminary Permit**

October 8, 1981.

Take notice that Surprise Valley Electrification Corporation (Applicant) filed on August 31, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5301 to be known as the Drews Hydroelectric Project located on Drew Creek in Lake County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: N. W. Matthews, General Manager, Surprise Valley Electrification Corporation, P.O. Box 691, Alturas, California 96101.

Project Description—The proposed project would consist of: (1) a 200-foot

long, 30-inch diameter penstock; (2) a powerhouse #1 with a rated capacity of 150 kW; (3) a powerhouse #2 with a rated capacity of 260 kW; (4) a 0.25-mile long transmission line from powerhouse No. 1 to an existing 7.2-kV Surprise Valley Electrification Corporation's transmission line; and (5) a 0.25-mile long transmission line from powerhouse #2 to an existing 7.2-kV Surprise Valley Electrification Corporation's transmission line. The Applicant estimates that the total average annual energy production from the powerhouse would be 1.4 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The applicant estimates that the cost of undertaking these studies would be \$30,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 18, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE

COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29898 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

[Docket No. CP77-267-004]

Transcontinental Gas Pipe Line Corp.; Petition To Amend

October 8, 1981

Take notice that on September 22, 1981, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP77-267-004 a petition to amend the order issued July 14, 1977,¹ pursuant to Section 7(c) of the Natural Gas Act so as to authorize an increase in the top gas quantity of the Hester Gas Storage Field, St. James Parish, Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued July 4, 1977, it was authorized, *inter alia*, to acquire the Hester Gas Storage Field from Mid Louisiana Gas Company (Mid Louisiana) and to render service therefrom to Mid Louisiana. It is asserted that the presently authorized total capacity of the Hester Field is 20,400,000 Mcf. It is further asserted that the current base gas inventory is approximately 11,500,000 Mcf and current top storage service for Mid Louisiana is approximately 3,000,000 Mcf.

Petitioner explains that it has completed injections necessary to reach the authorized total field capacity of 20,400,000 Mcf and has the ability to

reach a total capacity of 23,500,000 Mcf. It submits that this increase of 3,100,000 Mcf of top storage capacity would materially assist petitioner not only by providing additional system flexibility needed to protect its customers' high priority markets but would permit Petitioner to husband substantial gas supplies in an effort to alleviate potential take-or-pay obligations to its producers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 28, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-29899 Filed 10-14-81; 8:45 am]
BILLING CODE 6717-02-M

Bonneville Power Administration

Intent To Revise Wholesale Power Rates Which Will Become Effective July 1 and July 15, 1982; Request for Public Comment

AGENCY: Bonneville Power Administration, Energy.

ACTION: Notice of intent to revise wholesale power rates.

SUMMARY: Bonneville Power Administration (Bonneville or BPA) is in the initial stages of developing its wholesale power rate schedules which will become effective July 1 and July 15, 1982. At this time, Bonneville is seeking suggestions, advice, and recommendations from interested persons which can be used to assist in the development of the wholesale power rate proposal.

SUMMARY: Bonneville expects to have its initial proposed rates developed by January 1982. BPA will then publish a Notice announcing their availability. That Notice will also include a schedule for formal hearings as specified in the Pacific Northwest Electric Power Planning and Conservation Act

(Regional Act). These hearings will give interested persons an opportunity to present both oral and written comments on the proposal.

EFFECTIVE DATE: October 15, 1981.

Suggestions and recommendations concerning the development of proposed wholesale power rates will be accepted through November 15, 1981.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503-234-3361, ext. 4261. Toll-free numbers for Oregon callers 800-452-8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California 800-547-6048.

Mr. George Gwinnett, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503-234-3361, ext. 4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-345-0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406-755-6202.

Mr. Ronald K. Rodewald, District Manager, Suite 117, 23 South Wenatchee, Wenatchee, Washington 98801, 509-662-4377, ext. 379.

Mr. Thomas M. Noguchi, Acting Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206-442-4130.

Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-524-5500, ext. 701.

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

SUPPLEMENTARY INFORMATION: BPA is the wholesale marketing agency for electric power generated at the Federal hydroelectric dams on the Columbia River and its tributaries. These dams built and operated by the U.S. Army Corps of Engineers and the Department of the Interior's Bureau of Reclamation, together with BPA's transmission system, comprise the Federal Columbia River Power System (FCRPS). By purchase and exchange, BPA also acquires power generated and conserved by non-Federal interests as stipulated in the Regional Act.

Bonneville supplies about 50 percent of the electric energy consumed in the Pacific Northwest and accounts for about 80 percent of the region's high-voltage transmission capacity. It sells power to 161 customers, including

¹This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

publicly, cooperatively, and privately owned utilities, Federal and State (California) agencies, and electroprocess and other Northwest industries. The power is sold at wholesale to BPA utility customers and resale to ultimate consumers, and directly to its industrial and Federal agency customers. In addition, BPA sells power surplus to the needs of the Pacific Northwest outside the region.

The rates which Bonneville charges its customers must produce revenues which are sufficient to repay, with interest, the Federal investment in the FCRPS and to pay Bonneville's operation and maintenance expenses, its purchased power costs, and certain other miscellaneous expenses. Inflation, high interest rates, and contract obligations have created substantial increases in Bonneville costs.

Bonneville's last whole power rate increase became effective on an interim basis on July 1, 1981. Bonneville has two sets of contracts which contain provisions allowing the adjustment of rates. The first set of contracts are those which were in existence prior to the offering of power sales contracts which, pursuant to section 5(g) of the Regional Act, were offered on August 28, 1981. These "existing contracts" currently permit rate adjustments only on July 1, 1982, and each July 1 thereafter. The second set of contracts are those offered by BPA on August 28, 1981. These "new contracts" permit rate adjustments upon 9 months' notice. This notice is intended to notify Bonneville's customers with "new contracts" that their rates paid pursuant to such contracts will be adjusted July 15, 1982. Bonneville is in the initial stages of developing wholesale power rates for its old contracts, which will be effective July 1, 1982, and for its new contracts, which will be effective July 15, 1982. BPA is also in the process of requesting an amendment in the rate adjustment language of the existing contracts. If those amendments are accepted, BPA will delay the effective date of its rate increase for both new and existing contracts until October 1, 1982.

The developmental process for the 1982 wholesale power rate proposal will be similar to that used for the 1981 wholesale power rates. Bonneville is preparing a current repayment study to determine the extent to which repayment requirements exceed expected revenues collected under the 1981 rates. Following a determination of the increase in revenues which will be necessary to meet repayment requirements, Bonneville will conduct various studies which will be used in

designing the rates. Bonneville will also evaluate the environmental effects of the proposed rates.

In developing the rate proposal, Bonneville will consider the application of the six ratemaking standards of Section 111 of the Public Utility Regulatory Policies Act (PURPA, Pub. L. 95-617). This Act requires each utility whose total retail sales exceed 500 million kilowatt-hours in a calendar year to consider ratemaking standards with respect to conservation of power, optimal and efficient use of facilities and resources, and equitable rates for all electric consumers. Bonneville is included in this category because of its direct sales to Federal Agencies and industrial customers. The six ratemaking standards of Section 111 of PURPA were adopted by Bonneville on November 19, 1979 (44 FR 68949). The standards regard: (1) Cost of service; (2) declining block rates; (3) time-of-day rates; (4) seasonal rates; (5) interruptible rates; and (6) load management techniques. Other factors Bonneville will consider in designing the 1982 wholesale power rates include conservation, renewable resource acquisitions, consumer understanding, ease of administration, fiscal financial responsibility, environmental protection, and continuity of rates.

Bonneville will involve the public in developing its rate proposal. In the near future Bonneville will seek public comment on its proposed amendments to existing "Rules of Procedure Governing Bonneville Power Administration Rate Adjustment" 46 FR 11697 (February 10, 1981). Interested persons are invited to submit suggestions, advice, and recommendations regarding Bonneville's rate adjustments through November 15, 1981. As BPA develops the initial rate proposal, it will, upon request, meet with interested persons who wish to review the studies in progress and make suggestions. When the initial rate proposal is published, Bonneville will conduct hearings on the proposal. Written comments will also be accepted. Following the hearings and revision of cost analyses, Bonneville will announce its final proposed wholesale power rates. The Administrator will submit the final rate proposal to the Federal Energy Regulatory Commission for approval on an interim basis and ultimately for final confirmation and approval.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503-234-3361, ext. 4261. Toll-free numbers for Oregon callers 800-452-8429; for callers from

Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California 800-547-6048.

Mr. George Gwinnett, Area Manager, Suite 288, 1500 NE Irving Street, Portland, Oregon 97208, 503-234-3361, ext. 4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-345-0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406-755-6202.

Mr. Ronald K. Rodewald, District Manager, Suite 117, 23 South Wenatchee, Wenatchee, Washington 98801, 609-662-4377, ext. 379.

Mr. Thomas M. Noguchi, Acting Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206-442-4130.

Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, ext. 701.

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

Dated: October 9, 1981.

Edward W. Sienkiewicz,
Acting Administrator.

[FR Dec. 81-30026 Filed 10-14-81; 10:25 am]

BELLING CODE 6450-81-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-C31035A; PH-FRL 1959-5]

Application to Conditionally Register a Pesticide Product Involving a Changed Use Pattern; Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has approved the application by the Dow Chemical Co. to amend registration of the pesticide product Dowicil 75 Preservative involving a changed use pattern pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: Arturo Castillo, Product Manager (PM) 32, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, CM#2 Rm. 303, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7170).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of April 30, 1980 (45 FR 28805) that The Dow Chemical Co., PO Box 1706, Midland, MI 48640, has submitted an application to conditionally register the pesticide product Dowicil 75 Preservative containing 67.5 percent of the active ingredient 1-(3-chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride. The application proposed a changed use pattern of the product.

The application was approved on July 20, 1981. Dowicil 75 Preservative is approved for general use in petroleum production and recovery in addition to its presently registered uses in adhesives, construction materials, detergents, floor wax emulsion and floor polishes, inks, latex emulsions, laundry starch, metalworking fluids, paint, pulp and paper, and textiles. The product was assigned EPA registration No. 464-403.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after registration date. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M St., SW., Washington, DC 20460. Such requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended)

Dated: October 2, 1981.

James M. Conlon,
Acting Director, Office of Pesticide Programs.

[FR Doc. 81-29827 Filed 10-14-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51332; TSH-FRL 1959-6]

Certain Chemicals, Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture

or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMNs and provides a summary of each.

DATES: Written comments by: PMN 81-512—December 5, 1981. PMN 81-513—December 6, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51332]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-512

Close of Review Period. January 4, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided:

Substitutedheteropolycycle.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a minor constituent in an article for commercial and consumer use.

PRODUCTION ESTIMATES

| | Kilograms per year (maximum) |
|----------|------------------------------|
| 1st year | 1 |
| 2d | 2 |
| 3d | 3 |

Physical/Chemical Properties

Melting point—117° C.

Solubility: water—<0.1%; octanol—0.1–1%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 20 workers may experience dermal and inhalation exposure up to 0.3 hr/day, up to 10 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Disposal is by incineration and biological treatment system.

PMN 81-513

Close of Review Period. January 5, 1982.

Manufacturer's Identity. CIBA-GEIGY Corporation, P.O. Box 11422, Greensboro, NC 27409.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: N-alkylhalogenatedbenzylamine.

Use. The manufacturer states that the PMN substance will be used as a site-limited intermediate for an agricultural chemical.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral toxicity LD₅₀ (rat)—738 mg/kg.

Acute dermal toxicity LD₅₀ (rabbit)—1,510 mg/kg.

Skin irritation (rabbit)—Severely irritating.

Eye irritation (rabbit)—Moderately irritating.

Skin sensitization (guinea pig)—Not a sensitizer.

Environmental Test Data

LC₅₀ 96 hr. (bluegill sunfish)—>10 parts per million (ppm).

LC₅₀ 96 hr. (rainbow trout)—>10 ppm.

LC₅₀ 48 hr. (daphnia magna)—12 mg/l.

Exposure. The manufacturer states that during manufacture 2 workers may experience exposure up to 2 hrs/day during sampling and analysis.

Environmental Release/Disposal. Claimed confidential business information.

Dated: October 7, 1981.

Woodson W. Bercaw,
Acting Director for Management Support Division.

[FR Doc. 81-29820 Filed 10-14-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51333; TSH-FRL 1960-3]

Certain Chemicals; Premanufacture Notices**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of six PMNs and provides a summary of each.

DATES: Written comments by: PMN 81-514, 81-515, 81-516, 81-517, 81-518, and 81-519—December 6, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51333]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-514

Close of Review Period. January 7, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided: Manufacturing site—Middle Atlantic. Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester from substituted alkane diols, alkanolic acids, and carbomonocyclic acids.

Use. The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

| | Kilograms per year | |
|----------|--------------------|---------|
| | Minimum | Maximum |
| 1st year | 3,400 | 6,600 |
| 2d year | 10,200 | 20,400 |
| 3d year | 17,000 | 34,000 |

Physical/Chemical Properties

Flash point—160° F.

Viscosity—Y-Z.

Acid value—6-8 mg KOH/gm.

Color—1.

Pct. solids at 105° F—80% by weight.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during use 6 workers may experience dermal and ocular exposure 2 hrs/day, 250 days/yr.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air and water, and 10-100 kg/yr will be released to land. Disposal is by incineration.

Close of Review Period. January 7, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided: Manufacturing site—Middle Atlantic. Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of styrene and acrylic acid with substituted acrylates and methacrylates.

Use. The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

| | Kilograms per year | |
|----------|--------------------|---------|
| | Minimum | Maximum |
| 1st year | 19,000 | 28,000 |
| 2d year | 28,000 | 39,000 |
| 3d year | 39,000 | 57,000 |

Physical/Chemical Properties

Flash point—160° F.

Viscosity—Y-Z.

Acid value—6-8 mg KOH/gm.

Color—1.

Percent solids at 105° F—80° by weight.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 103 workers may experience dermal and ocular exposure up to 6 hrs/day, up to 69 days/yr.

Environmental Release/Disposal. The manufacturer states that more than 50 but less than 50,000 kg/yr will be

released to the environment. Disposal is by distillation and incineration.

PMN 81-516

Close of Review Period. January 7, 1982.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:

Manufacturing site—Middle Atlantic.

Specific Chemical Identity. Polymer of isophthalic acid, diethylene glycol, trimethylol propane, adipic acid, dimethyl ethanolamine, and trimellitic anhydride.

Use. The manufacturer states that the PMN substance will be used as a site-limited polyester resin for water soluble varnish.

PRODUCTION ESTIMATES

| | Kilograms per year | |
|----------|--------------------|---------|
| | Minimum | Maximum |
| 1st year | 11,000 | 50,000 |
| 2d year | 11,000 | 75,000 |
| 3d year | 11,000 | 100,000 |

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 3 workers may experience possible dermal exposure .1 hr/day, 28 day/yr during batching and transfer.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the land. In case of accidental release, polyester resin will be drummed and removed by commercial chemical waste removal service.

PMN 81-517

Close of Review Period. January 7, 1982.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:

Annual sales—Between \$100,000,000 and \$499,999,999.

Manufacturing site—East North Central.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkenyl tetracarboxylate.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as an industrial and commercial chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Dark brown viscous liquid.

Viscosity, 100° F—About 25,000 cs.
Saponification value—Approx. 210–260.

Solubility: water—Insoluble; NaOH solution—Soluble; isopropanol—Soluble; kerosene—Soluble.

Acid value total—205–260.
Boiling point 1 mm—<250° (with slow decomposition).

Elemental composition—carbon, hydrogen, oxygen.

Chemical reactivity at room temperature: water—very slow to nil; alcohols—very slow; amines—reactive; caustic solution—slow to moderate, reactive in solution; diethyl ether—nil; hydrocarbon—none.

Toxicity Data

Acute oral toxicity LD₅₀ (rat)—5.1 g/kg.
Primary eye irritation—Irritant.

Exposure. The manufacturer states that during manufacture 6 workers may experience dermal exposure 2 hrs/day, 35 days/yr during sampling, analysis, filtering, drumming and cleanup operations.

Environmental Release/Disposal. The manufacturer states that 100–1,000 kg/yr will be released to the water 2 hrs/day, 14 days/yr and release to air is negligible. Disposal is to a publicly owned treatment works (POTW).

PMN 81–518

Close of Review Period. January 7, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided.

Annual sales—\$100,000,000–\$499,999,999.

Manufacturing site—Pacific region.
Standard Industrial Classification Code—285.

Specific Chemical Identity. Claimed confidential business information. Generic name provided Oxepanone phthalate polymers.

Use. Claimed confidential business information. Generic use information provided. The manufacturer states that the PMN substance will be used in paint manufacture and application.

PRODUCTION ESTIMATES

| | Kilograms per year | |
|---------------|--------------------|---------|
| | Minimum | Maximum |
| 1st year..... | 30,000 | 50,000 |
| 2d year..... | 60,000 | 80,000 |
| 3d year..... | 95,000 | 110,000 |

Physical/Chemical Properties

Specific gravity—1.14.

Melting point—>140° F (60° C).

Acid value—9 maximum.

Color—3 maximum.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, use and disposal 575 workers may experience dermal and inhalation exposure up to 2 hrs/day, up to 350 day/yr.

Environmental Release/Disposal. The manufacturer states, that less than 10 kg/yr will be released to the air ½ hr/day, 250 days/yr, and 1,000–10,000 kg/yr to land. Disposal is by incineration.

PMN 81–519

Close of Review Period. January 7, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided.

Annual sales—\$100,000,000.

Manufacturing site—Pacific region.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic polyester resin.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as an intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Melting point—>140° F (60° C).

Viscosity—X–Y [G–H] 60% in Cellosolve Acetate.

Density—1.17 gm/cc.

Acid value—4 maximum.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, use and disposal 6 workers may experience dermal and inhalation exposure up to 1½ hrs/day, up to 50 days/yr.

Environmental Release/Disposal. The manufacturer states that 100–1,000 kg/yr will be released to the land. Disposal is by incineration and landfill.

Dated: October 8, 1981.

Woodson W. Bercaiw,

Acting Director for Management Support Division.

[FR Doc. 81-29821 Filed 10-14-81; 8:45 am]

BILLING CODE 6560-31-M

[PF-39A; PH-FRL 1960-1]

Certain Companies; Pesticide Petitions; Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide petitions proposing establishment of tolerances for the use of the insecticide/nematocide aldicarb and the insecticide carbofuran on certain raw agricultural commodities have been amended.

ADDRESS: Written comments to: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, (703-557-7024).

SUPPLEMENTARY INFORMATION: In prior issues of the Federal Register EPA gave notice of the filing of pesticide petitions. These petitions are being amended as follows:

PP 6F1789. FMC Corp., 100 Niagara St., Middleport, NY 14105. Proposes amending the petition to include a tolerance for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-N-methylcarbamate), its carbamate metabolite, 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity squash at 0.8 part per million (ppm) of which no more than 0.6 ppm is carbamates. (41 FR 23998, June 14, 1976).

PP 8F2107. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, DC 20006. Proposes amending the petition to increase tolerance for the insecticide/nematocide aldicarb (2-methylthio) propionaldehyde O-(methylcarbamoyl)oxime and its cholinesterase-inhibiting metabolites aldicarb sulfoxide and aldicarb sulfone in or on the raw agricultural commodity sorghum grain from 0.05 ppm to 0.2 ppm. (43 FR 44883, September 29, 1978).

(Sec. 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)))

Dated: October 7, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-29823 Filed 10-14-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-30197B; PH-FRL 1960-4]

Ciba-Geigy Corp.; Approval of Application To Register a Pesticide Product Containing New Active Ingredient**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has approved the application by Ciba-Geigy Corp. to register the pesticide product CGA-64250 Technical containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, CM#2 Rm. 227, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of April 21, 1981 (46 FR 22802) that Ciba-Geigy Corp. PO Box 11422, Greensboro, NC 274901, had submitted an application to register the pesticide product CGA-64250 Technical containing 88 percent of the active ingredient 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole an ingredient not included in any previously registered product.

The application was approved on August 14, 1981 for general use in pesticide formulation. The product was assigned EPA registration No. 100-618.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after registration date. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M St., SW., Washington, DC 20460. Such requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended)

Dated: October 2, 1981.

James M. Conlon,
Acting Director, Office of Pesticide Programs.
[FR Doc. 81-28320 Filed 10-14-81; 8:45 am]
BILLING CODE 6560-32-M

[OPP-30197A; PH-FRL 1960-2]

Ciba-Geigy Corp.; Approval of Application To Register a Pesticide Product Containing a New Active Ingredient**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has approved the application by Ciba-Geigy Corp. to register the pesticide product Tilt 3.6E Fungicide containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, CM#2 Rm. 227, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of April 21, 1981 (46 FR 22882) that Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409, had submitted an application to register the pesticide product Tilt 3.6E Fungicide containing 41.8 percent of the active ingredient 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole an active ingredient not included in any previously registered pesticide product.

The application was approved on August 14, 1981 for general use in the control of rusts and powdery mildew in grasses grown for seed. The product was assigned EPA registration No. 100-617.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after registration date. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed

to the Freedom of Information Office (A-101), EPA, 401 M St., SW., Washington, DC 20460. Such requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended)

Dated: October 2, 1981.

James M. Conlon,
Acting Director, Office of Pesticide Programs.
[FR Doc. 81-28322 Filed 10-14-81; 8:45 am]
BILLING CODE 6560-32-M

[OPP-50553; PH-FRL 1959-8]

Issuance of Experimental Use Permits**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT:

The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

7969-EUP-14. BASF Wyandotte Corporation, 100 Cherry Hill Rd., Parsippany, NJ 07054. This experimental use permit allows the use of 2,400 pounds of the herbicide 2-[1-(ethoxymino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one on soybeans to evaluate control of weeds. A total of 8,000 acres are involved. The program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from May 27, 1981 to May 27, 1982. Temporary tolerances for residues of the active ingredient in or on soybeans, meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, sheep, milk, and eggs have been established. (Robert

Taylor, PM 25, Rm. 245, CM#2, (703-557-1800))

2139-EUP-26. NOR-AM Agricultural Products, Inc., 350 West Shuman Blvd., Naperville, IL 60540. This experimental use permit allows the use of 228 pounds of the insecticide chlordimeform in a tank mix with synthetic permethroids and oil on cotton to evaluate the control of various insect pests. A total of 120 acres are involved. The program is authorized only in the State of Mississippi. The experimental use permit is effective from April 10, 1981 to April 10, 1982. Permanent tolerances for residues of the active ingredients in or on cottonseed have been established (40 CFR 180.285, 180.378, and 180.379). If established tolerances are exceeded the crops must be destroyed or used for research purposes only. (Jay S. Ellenberger, PM 12, Rm. 205 CM#2, (703-557-2787))

3125-EUP-175. Mobay Chemical Corporation, P.O. Box 4913, Kansas City, MO 64120. This experimental use permit allows the use 1,675 pounds of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone on wheat to evaluate control of powdery mildew and rust diseases (leaf, stem, and stripe). A total of 3,350 acres are involved. The program is authorized only in the States of Arkansas, Georgia, Idaho, Illinois, Indiana, Michigan, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, and Washington. The experimental use permit is effective from July 31, 1981 to December 31, 1982. A temporary tolerance for residues of the active ingredient and its metabolite in or on wheat grain has been established. (Henry Jacoby, PM 21, Rm. 227, CM#2, (703-557-1900))

7182-EUP-22. 3M Company, 3M Center, Building 232-6SE-04, St. Paul, MN 55144. This experimental use permit allows the use of 95 pounds of the plant growth regulator mefluidide on pasture grass to evaluate forage quality enhancement and animal productivity enhancement. A total of 380 acres are involved. The program is authorized only in the State of Kentucky. The experimental use permit is effective from August 6, 1981 to August 6, 1982. Temporary tolerances for residues of the active ingredient in or on pasture grass; pasture grass hay; milk; meat, fat, and meat byproducts of cattle, goats, horses, and sheep have been established. (Robert Taylor, PM 25, Rm. 245, CM#2, (703-557-1800))

11273-EUP-19. Sandoz, Inc., 480 Camino Del Rio South, Suite 204, San Diego, CA 92108. This experimental use permit allows the use of 0.5 pound of the

insecticide propetamphos in food handling establishments to evaluate control of ants, cockroaches, crickets, earwigs, firebrats, silverfish, and spiders. A total of nine sites are involved. The program is authorized only in the State of New Jersey. The experimental use permit is effective from August 11, 1981 to August 11, 1982. A food additive regulation for residues of the active ingredient in food items resulting from its use in food handling establishments has been established. (William Miller, PM 16, Rm. 211, CM#2, (703-557-2600))

6704-EUP-25. U.S. Department of the Interior, Denver Wildlife Research Center, Building 16, Denver Federal Center, Lakewood, CO 80225. This experimental use permit allows the use of 2.2 pounds of the rodenticide zinc phosphide on rangeland to evaluate the control of prairie dogs. A total of 276 acres are involved. The program is authorized only in the State of South Dakota. The experimental use permit is effective from August 24, 1981 to August 24, 1982. A permanent tolerance for residues of the active ingredient in or on grasses (rangeland) has been established (40 CFR 180.284). (William Miller, PM 16, Rm. 211, CM#2, (703-557-2600))

876-EUP-39. Velsicol Chemical Corporation, 341 East Ohio St., Chicago, IL 60611. This experimental use permit allows the use of 100 pounds of the herbicide 2-chloro-9-hydroxyfluorene-9-carboxylic acid and 10 pounds of the herbicide dicamba on cotton to evaluate chemical termination of cotton fruiting. This will fit into an integrated pest management system for pink bollworm. A total of 200 acres are involved. The program is authorized only in the States of Arizona and California. The experimental use permit is effective from August 21, 1981 to August 21, 1982. Temporary tolerances for residues of the active ingredients in or on cottonseed and a food additive regulation for residues of dicamba in cottonseed meal have been established. (Robert Taylor, PM 25, Rm. 245, CM#2, (703-557-1800))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: October 2, 1981.

Robert V. Brown,
Acting Director, Registration Division, Office
of Pesticide Programs.

[FR Doc. 81-29824 Filed 10-14-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-59068; TSH FRL 1959-7]

Substitutedheteropolycycle Test Marketing Exemption Application

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the Federal Register of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of an application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by: October 30, 1981.

ADDRESS: Written comments to:
Document Control Officer (TS-793),
Management Support Division, Office of
Pesticides and Toxic Substances,
Environmental Protection Agency, Rm.
E-409, 401 M Street SW., Washington,
DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:
David Dull, Acting Chief, Notice Review
Branch, Chemical Control Division (TS-
794), Office of Pesticides and Toxic
Substances, Environmental Protection
Agency, Rm. E-216, 401 M Street SW.,
Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The
following is a summary of information
provided by the manufacturer on the
TME received by the EPA:

TME 81-41

Close of Review Period. November 20, 1981.

Manufacturer's Identity. Claimed
confidential business information

Specific Chemical Identity. Claimed
confidential business information.

Generic name provided:

Substituted heteropolycycle.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the TME substance will be used as a minor constituent in a commercial article.

Production Estimates

3 months—(Maximum) 0.1 kg.

Physical/Chemical Properties

Melting point—117° C

Solubility: water—<0.1%; octanol—0.1–1%

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during processing dermal and inhalation exposure may occur for 10 people for a maximum of 0.3 hr/day for up to 5 days at an average concentration of 0–1 mg/m³ and a potential maximum concentration of 1–5 mg/m³ during manual transfer operations. Protection clothing and equipment will be used where appropriate in addition to in-plant health assessments and workplace monitoring. As a minor constituent of a commercial article, the chemical will be contained in such a manner as to afford a low potential for human contact.

Environmental Release/Disposal. The manufacturer states that no releaser to land or air and essentially none to water is anticipated during processing. Wastes generated during processing will be treated in a biological treatment system in compliance with applicable Federal and State regulations.

Dated: October 7, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-29825 Filed 10-14-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. 10429, 10432, and T-3295-1]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. 10429 is between Naviera Central (Central) and Naviera Continental (Continental). The subject of the agreement is planned operations of common carrier services by Central and Continental between Venezuela and Miami, Florida. The parties will use a chartered vessel to commence the service.

Agreement No. 10432, between Moore McCormack Lines, Inc. (Moormack) and Matson Agencies Division of Matson Navigation Company, Inc. (Matson), is an agency agreement. Under the terms of the agreement, Moormack appoints Matson to act as its traffic and freight sales agent for Moormack services operating between U.S. Atlantic ports and ports in South America and Africa.

Agreement No. T-3295-1, between South Carolina State Ports Authority (SC) and Sea-Land Service, Inc. (Sea-Land), proposes to add a discount on SC's wharfage and crane rates and an option to transfer Sea-Land's cargo handling operation to SC's Wando River Terminal.

The Findings of No Significant Impact (FONSI) will become final on or before October 26, 1981 unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-29787 Filed 10-14-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or

gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, as except as noted, received by the appropriate Federal Reserve Bank not later than November 2 1981.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045:

1. Barclays Bank Limited and its subsidiary, Barclays Bank International Limited, each a bank holding company whose principal office is in London, England (commercial finance; Pennsylvania): to engage through their subsidiary, Barclays American/Business Credit, Inc., from an office in Trevose, Pennsylvania, in marketing commercial loans to customers in Pennsylvania.

2. Barclays Bank Limited and its subsidiary, Barclays Bank International Limited, each a bank holding company whose principal office is in London, England (consumer finance and secured business lending (primarily real estate)—North Carolina): to engage through their subsidiary, Barclays American Corporation ("BAC"), and BAC's subsidiaries, Barclays American/Credit, Inc., Barclays American/Credit, Inc. of North Carolina, Barclays American/Mortgage, Inc. and Barclays American/Financial, Inc., in (i) wholesale financing consisting of financing dealers' inventories of automobiles, mobile homes, recreational vehicles, appliances, home products and other chattel; (ii) the making of business loans secured by first or second mortgage on real estate or, in appropriate circumstances, by personal property, primarily to small businesses (including corporations, partnerships and sole proprietorships), or individuals borrowing in connection with the start-up of a new business or other business-related purposes; (iii) making direct

consumer loans, including loans secured by real estate, and purchasing of sales finance contracts representing extensions of credit such as would be made or acquired by consumer finance company; and (iv) acting as agent for the sale of related life, credit accident and health and credit property insurance. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by BAC's insurance underwriting subsidiaries. These activities would be conducted from an office located in Charlotte, North Carolina serving customers located throughout the southeastern United States.

3. The Chase Manhattan Corporation, New York, New York (consumer lending, related lending and insurance brokerage, activities and sale of travelers checks at retail; California): to make or acquire, for its own account and for the account of others, secured loans and other extensions of credit, including but not limited to, consumer and business lines of credit, installment loans for personal, household and business purposes; to serve loans and other extensions of credit; to sell travelers checks at retail; to act as insurance agent or broker for credit life insurance and credit accident and health insurance directly related to such lending and serving activities. These activities will be conducted by a subsidiary, Chase Manhattan Financial Services, Inc., from an office in Palo Alto, California, and will serve primarily the Palo Alto area and to a more limited extent, the State of California.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261:

First Maryland Bancorp, Baltimore, Maryland (leasing, finance; Louisiana): through its subsidiary, First Maryland leasecorp, to engage in the following activities: leasing personal property and equipment on a full pay-out basis, to act as agent, broker, or advisor in the leasing thereof, leasing real property on a full pay-out basis and to act as agent, broker or advisor in the leasing thereof, making or acquiring for its own account or for the account of others, loans and other extensions of credit with respect to personal property, equipment and real property, and to service loans leases and other extensions of credit. The new office will be located in New Orleans, Louisiana and will serve the Louisiana/Mississippi river area. Comments on this application must be received not later than October 30, 1981.

C. Federal Reserve Bank of San

Francisco, (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. BankAmerica Corporation, San Francisco, California (financing, servicing, and insurance activities; *de novo* consumer loan office; Illinois): to engage, through its indirect subsidiary, FinanceAmerica Corporation, a Delaware corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, servicing loans and other extensions of credit, and offering credit-related life insurance, credit-related accident and health insurance and credit-related property insurance. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans and other extensions of credit secured by real and personal property; and offering credit-related life, credit-related accident and health, and credit-related property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation.

These activities will be conducted from a *de novo* office located in Mount Prospect, Illinois, serving the entire State of Illinois.

2. Pacific Western Bancshares, San Jose, California (mortgage loan brokering activities; Santa Clara County, California): to engage through its subsidiary, Pacific Valley Mortgage Company, in mortgage broker and mortgage loan servicing activities, including the placement of commercial real estate loans with institutional investors; identifying investors for commercial real estate development projects; packaging and selling, with or without servicing as the buyer requires, junior trust deeds for investors; packaging and selling with or without servicing as the buyer requires, first trust deeds to the FHMC or to institutional investors. These activities will be conducted from an office in San Jose, California, serving the San Jose Standard Metropolitan Statistical Area and the counties of Alameda, San Mateo, Monterey, Santa Cruz, and San Benito. Applicant is relying upon Sections 225.4(a)(1) and 225.4(a)(3) for authority to engage in the activities proposed in 2(a) above.

D. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, October 6, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-20790 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

Bosworth Bancshares, Inc.; Formation of Bank Holding Company

Bosworth Bancshares, Inc., Bosworth, Missouri, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bosworth State Bank, Bosworth, Missouri. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than November 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-29805 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

Central Pacific Corp.; Acquisition of Bank

Central Pacific Corporation, Bakersfield California, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Sacramento Valley Bank, National Association, Sacramento, California. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 2, 1981. Any comment on an

application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-29806 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

First Luther Bancorporation, Inc.; Formation of Bank Holding Company

First Luther Bancorporation, Inc., Luther, Oklahoma, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Luther, Luther, Oklahoma. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-29807 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

First Tuscumbia Corp.; Formation of Bank Holding Company

First Tuscumbia Corporation, Tuscumbia, Alabama, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent of the voting shares of The First National Bank in Tuscumbia, Tuscumbia, Alabama. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 2, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-29803 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

First United Bancorporation, Inc.; Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of The Terrell State Bank, Terrell, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-29809 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

Gilpin County Bancshares, Inc.; Formation of Bank Holding Company

Gilpin County Bancshares, Inc., Black Hawk, Colorado, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Gilpin County Bank, Black Hawk, Colorado. The factors that are considered in acting on the

application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-29810 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

Greater Metro Bank Holding Co.; Acquisition of Bank

Greater Metro Bank Holding Company, Aurora, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 92.3 percent or more of the voting shares of Aurora National Bank-South, Aurora, Colorado. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 7, 1981. Any comment on application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-29811 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

Iowa National Bankshares Corp.; Formation of Bank Holding Company

Iowa National Bankshares Corp., Waterloo, Iowa, has applied for the Board's approval under § 3(a)(1) of the

Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The National Bank of Waterloo, Waterloo, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29812 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

Landmark Bancshares Corp.; Acquisition of Bank

Landmark Bancshares Corporation, St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Oakville Bank and Trust Company, Oakville, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29813 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

Mercantile Texas Corp.; Acquisition of Bank

Mercantile Texas Corporation, Dallas, Texas, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of The Citizens National Bank of Greenville, Greenville, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29814 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

North Platte Cop., Acquisition of Bank

North Platte Corporation, Torrington, Wyoming, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Western Bank of Cody, Cody, Wyoming. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29815 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

Old Kent Financial Corp.; Acquisition of Bank

Old Kent Financial Corporation, Grand Rapids, Michigan, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by consolidation to National Bank and Trust Company of Traverse City, Traverse City, Michigan. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29816 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

PrairieLand Bancorp., Inc.; Formation of Bank Holding Company

PrairieLand Bancorp., Inc., Bushnell, Illinois, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Farmers and Merchants State Bank of Bushnell, Bushnell, Illinois. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 7, 1981. Any comment on an application that requests a hearing must include a

statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-29817 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

The Protection Bank Holding Company, Inc.; Formation of Bank Holding Company

The Protection Bank Holding Company, Inc., Protection, Kansas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97.5 per cent of the voting shares of The Bank of Protection, Protection, Kansas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-29818 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

Steuben Financial Corp.; Formation of Bank Holding Company

Steuben Financial Corp., Auburn, Indiana, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Hamilton Bank, Hamilton, Indiana. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-29819 Filed 10-14-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Automated Data and Telecommunications Service Annual Schedule for Validating COBOL and FORTRAN Compilers

AGENCY: Automated Data and Telecommunications Service, General Services Administration.

ACTION: Notice of intent.

SUMMARY: The Federal Property Management Regulations (see 41 CFR 101-36.1305-1) require that all COBOL compilers brought into the Federal Government inventory and those used to develop computer programs for the Government when providing programming services must be validated on an annual basis. This includes COBOL compilers used in providing services under the Teleprocessing Services Program (TSP) Schedule. The Federal Compiler Testing Center (FCTC) maintains the annual schedule for the validation of COBOL and FORTRAN compilers. The FCTC is in the process of updating that schedule for 1982.

FOR FURTHER INFORMATION CONTACT: George N. Baird, Director, Federal Compiler Testing Center, Automated Data and Telecommunications Service, General Services Administration, 5203 Leesburg Pike, Suite 1100, Falls Church, VA 22041, (703) 756-6153.

SUPPLEMENTARY INFORMATION: The Federal Compiler Testing Center is establishing the annual validation schedule for COBOL compilers for CY82. FPMR 101-36.1305-1 "FIPS PUB 21-1, Federal Standard COBOL" requires that all COBOL compilers that are to be offered to the Federal Government be validated on an annual basis. COBOL compilers that have not been validated must have been submitted to the FCTC

for validation in order to be eligible to be offered to the Federal Government.

A COBOL compiler that is on the FCTC annual validation schedule meets the requirement of having been "submitted for validation" as required by FPMR 101-36.1305-1 for the level of Federal Standard COBOL at which validation has been requested. A request that a COBOL compiler be included in the annual schedule for 1982 should be forwarded to the FCTC at the address shown above. A COBOL compiler which is on the annual schedule has been validated, and appears on the FCTC Certified Compiler List can be offered to the Government at, up to and including the level of Federal Standard COBOL at which the compiler was validated. A request to change the 1982 level of validation for a compiler on the annual schedule which was validated in 1981 must also be forwarded to the FCTC in order to meet the requirement of having been submitted for validation at a higher level of validation.

The COBOL compilers which are currently on the FCTC 1981 schedule will automatically be included in the 1982 schedule. Vendors who have a COBOL compiler on the schedule will be contacted directly in the next few weeks to find out if they want to remove any of their compilers from the schedule or to change the annual validation date for any of their compilers.

The FCTC currently validates FORTRAN compilers at the subset level of the language. Current plans call for providing for the validation of the full FORTRAN language by July of 1982. The annual FORTRAN validation schedule (unlike the COBOL validation schedule, which runs from January 1 to December 31) will run from July 1 to June 31 of the following year. The annual schedule for the validation of FORTRAN compilers which was established last year is being updated. (Validations performed prior to July 1982 will be at the subset level of FORTRAN X3.9-1978.) A request for a FORTRAN compiler to be included in the 1982 annual validation schedule for FORTRAN should be forwarded to the FCTC.

If there is more than one compiler that will be validated at the same location, it would be to the requestor's advantage, as well as the FCTC, to have them all validated during the same site visit by an FCTC staff member. Requests for additions to or modifications of the annual schedule should reach the FCTC by December 15, 1981. Requests to have a compiler placed on the annual schedule received after December 15, 1981, will be honored to the best of our

ability. However, those compilers already scheduled will be given higher priority.

Requests for one-time validations will be accepted but with no guarantee as to the actual date the compiler will be validated. A request for a one-time validation does not fulfill the requirement of a compiler having been "submitted for validation" since a firm validation date cannot be established.

Please contact the FCTC for additional information and validation request forms.

Date: October 6, 1981.

Francis A. McDonough,
Deputy Commissioner, Automated Data and Telecommunications Service.

[FR Doc. 81-29778 Filed 10-14-81; 8:45 am]
BILLING CODE 6820-25-M

Automated Data and Telecommunications Service Computer Programming Language Compiler Validation

AGENCY: Automated Data and Telecommunications Service, General Services Administration.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting hosted by the Federal Compiler Testing Center to allow agencies and vendors to participate in a discussion regarding Computer Programming Language Compiler Validation.

DATE: November 5, 1981, 9:30 a.m. to 3:30 p.m.

ADDRESS: General Services Administration, 18th & F Streets NW., Room 3210, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: George N. Baird, Director, Federal Compiler Testing Center, Automated Data and Telecommunications Service, General Services Administration, 5203 Leesburg Pike, Suite 1100, Falls Church, VA 22041, (703) 756-6153.

SUPPLEMENTARY INFORMATION: This meeting is being held to provide a forum for information interchange between the Federal Compiler Testing Center (FCTC), the agencies, and industry. The FCTC will present the future plans regarding Compiler Validation, new languages for which validation systems are being produced, and the future plans of the FCTC.

Included in the future plans will be the development of test and acceptance criteria/technique for software, both developed inhouse and contracted out, and the use of software tools in the software development process.

There will be a period of open discussion that will provide members of the audience a chance to share their experiences in the validation process and suggest any changes they would like to see regarding the validation process.

Those planning to attend should notify the FCTC of their intention to do so and of the number of attendees that will represent them.

Dated: October 6, 1981.

Francis A. McDonough,
Deputy Commissioner, Automated Data and Telecommunications Service.

[FR Doc. 81-29779 Filed 10-14-81; 8:45 am]
BILLING CODE 6820-25-M

Public Buildings Service

[GSA Order Adm 1022.]

Historic Properties: GSA Procedures

AGENCY: Public Building Service, General Services Administration.

ACTION: Request for comments.

SUMMARY: Notice is hereby given that the General Services Administration has developed internal procedures for complying with Federal regulations for the protection and enhancement of historic and cultural properties.

DATE: Comments must be received on or before December 14, 1981.

ADDRESSEES: Comments should be addressed to: General Services Administration (PCSH), 18th and F Street, NW., Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul J. Onstad, Jr., Office of Design and Construction (202-566-1370).

DATED: October 5, 1981.

John F. Galuardi,
Acting Commissioner, Public Buildings Service.

The following GSA ORDER ADM 1022 is being proposed regarding GSA procedures for historic properties:

GSA Order

Subject: Procedures for Historic Properties.

1. *Purpose.* This order transmits procedures for complying with Federal regulations for the protection and enhancement of historic and cultural properties.

2. *Cancellation.* PBS 1022.1 is canceled.

3. *Background.* Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and Executive Order 11593 directed all Federal agencies to:

a. Administer the cultural properties under their control in spirit of stewardship and trusteeship for future generations;

b. Initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archeological significance are preserved, restored and maintained for the inspiration and benefit of the people;

c. Institute procedures, in consultation with the Advisory Council on Historic Preservation (16 U.S.C. 470i), to ensure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archeological significance;

d. Locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places;

e. Exercise caution during the interim period until inventories and evaluations required are completed to ensure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. Any questionable actions shall be referred to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion in the National Register of Historic Places; and

f. Initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation or restoration of federally owned and requested properties at professional standards prescribed by the Secretary of the Interior.

4. *Applicability.* This order applies to all GSA programs, activities, and actions that could affect historic and cultural properties. This order is for guidance of regional historic preservation officers and all other GSA personnel engaged in activities affecting properties.

5. *Implementation.* Heads of Central Office Services and Staff Offices shall forward a copy of their proposed procedures to implement the provisions of this order to the GSA Historic Preservation Officer for review and approval within 90 days of the effective date of the order. Responsibilities shall be established within each service's procedures consistent with those established by this order.

Attachment

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1. General.

a. The General Services

Administration (GSA) as a real and personal property manager for the Federal Government is entrusted with the care of America's Federal buildings, their contents and their associated grounds. GSA is charged with the responsibility of providing satisfactory space and facilities for the Federal Government while managing, operating, maintaining, repairing, and improving these properties.

b. Many properties under GSA's jurisdiction or control are Register or Register-eligible and many others are potentially eligible for listing in the National Register of Historic Places. GSA has an additional responsibility in the search for new space for its tenants to give priority to the use of buildings which have historic, architectural, or cultural importance. GSA manages both real property, such as Federal buildings, and personal property, such as the holdings of the National Archives and Records Service and fine and decorative art objects.

c. Because of the importance of its properties in America's history and culture, GSA has the further obligation to ensure that these properties are managed, maintained, used, repaired and improved in a manner that will preserve those qualities which make them eligible for listing in the Register. This order is designed to ensure that each property under GSA jurisdiction or control is evaluated for its historical and cultural significance, and that the significant qualities of each property are considered by GSA in planning and conducting its activities.

2. *Scope.* This order provides guidance for the program operations of GSA which have direct or indirect responsibility for or control over any action, activity, or program which entails:

2. Acquiring real and personal property;

b. Directing Federal construction and the lease construction of space;

c. Maintaining property, including but not limited to federally owned or administered real and personal property;

d. Repairing, altering, and improving property, including but not limited to federally owned or administered real and personal property;

e. Assigning space;

f. Disposing of real personal property;

g. Proposing undertakings to the

Congress for authorization of appropriations that could affect National Register or Register eligible properties; and

h. Granting entitlements, and permissions, including but not limited to leases, easements, and approvals.

3. *Definitions.*

a. "Consultation" means the act of formally seeking advice or conferring with the appropriate State Historic Preservation Officer and the Advisory Council on Historic Preservation.

b. "Council" means the Advisory Council on Historic Preservation, a board created by the National Historic Preservation Act of 1966. For consulting purposes, the Council retains staff for review and compliance in Denver, Colorado, and Washington, D.C.

c. "Responsible Official" means the head of a service or staff office or regional administrator under whose jurisdiction an action is being planned, or his/her designee.

d. "Consulting parties" means the appropriate State Historic Preservation Officer, the Regional Historic Preservation Officer, the GSA Historic Preservation Officer, and the Executive Director of the Council, and the responsible official.

e. "Criteria for evaluation" means the criteria established by the Secretary of the Interior to evaluate properties to determine whether they are eligible for inclusion in the National Register of Historic Places (36 CFR 1202.6).

f. "Effect" means the extent of an undertaking's impact on an historic or cultural property as determined in accordance with the Council's "Criteria of Effect" (36 CFR 800.3).

g. "Eligible property" means any district, site, building, structure, or object that meets the National Register's "Criteria for Evaluation." Properties that have been determined eligible have already achieved this status in accordance with the process outlined in 36 CFR 1204.

h. "Discovery during implementation" means unanticipated discovery of an historic or cultural property during the implementation of an undertaking which has already complied with section 106 of the NHPA, EO 11593, and 36 CFR 800. How these resources are to be handled

is detailed in the Council's regulations (36 CFR 800.7), and in the National Park Service's proposed guidelines implementing (proposed 36 CFR 66) the Archeological and Historic Preservation Act.

i. "Historic and cultural property" means any building, site, district, structure, or object which has historic, architectural, archeological, or cultural importance. These classes of properties and their definitions are as follows:

(1) A "district," which means a geographically definable area, urban or rural, possessing a concentration, linkage, or continuity of sites, buildings, structures, or objects which are united by past events or aesthetically by plan or physical development. A district may also be composed of individual elements which are separated geographically but are linked by associations of history or architectural style.

(2) A "site," which means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing ruins or represented only by subsurface remains, where the location itself maintains historical or archeological value regardless of the value of existing structures.

(3) A "building," which means a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. "Buildings" may refer to a historically related complex, such as a courthouse and jail or a house and barn.

(4) A "structure," which means an edifice, usually an engineering project, designed to aid human activities, such as bridges, canals, aqueducts.

(5) An "object," which means a material thing of functional, aesthetic, cultural, historical, or scientific value that may be by nature or design movable yet related to a specific setting or environment.

j. "Indian tribe" means any Indian tribe, band, nation, rancheria, pueblo, or other organized community, including any Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized by the Secretary of the Interior as eligible for the special programs an services provided by the United States to Indians because of their status as Indians.

k. "National Register," means the national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture maintained by the Secretary of the Interior under authority of section 2(b)

of the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461) and Section 101(a)(1) of the National Historic Preservation Act.

l. "Register and Register-eligible property" means a district, site, building, structure, or object included in or determined eligible for inclusion in the National Register.

m. "State Historic Preservation Officer" (SHPO) means the official designated pursuant to 36 CFR 1201, responsible for liaison with Federal agencies for implementation of the National Historic Preservation Act of 1966 and Executive Order 11593, for the coordination of the statewide survey of historic and cultural properties, and the development of a comprehensive State historic preservation plan.

n. "Undertaking" means any direct Federal, federally assisted, or federally licensed action, activity, or program, or the approval, sanction, assistance, or support of any non-Federal action, activity, or program. Further elaboration of this definition is contained in 36 CFR 800.2(c).

o. "Undertaking's area of potential environmental impact" means that geographical area within which direct and indirect environmental effects could be expected to occur and thus create the potential to change the historical, architectural, archeological, or cultural qualities possessed by a historic and cultural property.

4. *Authorities.* This order is based on and implements the following laws, Presidential directives and regulations.

a. *Antiquities Act of 1906* (Pub. L. 59-209; 34 Stat. 225; 16 U.S.C. 431 et seq.). The act provides for protection of historic or prehistoric remains or any object of antiquity on Federal lands; establishes criminal sanctions for unauthorized destruction or appropriation of antiquities; and authorizes scientific investigation of antiquities on Federal lands, subject to permit and regulations. Paleontological resources also are considered to fall within the authority of this act.

b. *Historic Sites Act of 1935* (Pub. L. 74-292, 49 Stat. 666; 16 U.S.C. 461 et seq.). This act authorizes the establishment of National Historic Sites and otherwise authorizes the preservation of properties of national historical or archeological significance; authorizes the designation of National Historic Landmarks; establishes criminal sanctions for violation of regulations pursuant to the act; authorizes interagency, intergovernmental, and interdisciplinary efforts for the preservation of historic and cultural properties; and other provisions.

c. *The National Historic Preservation Act of 1966, as amended (NHPA)* (Pub. L. 89-655; 80 Stat. 915; 16 U.S.C. 470).

The act establishes a positive national policy for the preservation of the cultural environment and sets forth mandate for protection in Section 106. The purpose of Section 106 is to protect properties listed in or eligible for listing in the National Register of Historic Places through Council review and comment on Federal undertakings that affect such properties. Properties are listed in the National Register or declared eligible for listing by the Secretary of the Interior. As developed by the Council's regulations, Section 106 establishes a public interest process in which the Federal agency proposing an undertaking, the State Historic Preservation Officer, the Council, and interested organizations and individuals participate.

d. *The National Environmental Policy Act of 1969 (NEPA)* (Pub. L. 91-190; 83 Stat. 852; 42 U.S.C. 4321 et seq.). This law declares the policy of the Federal Government to be the preservation of important historic, cultural, and natural aspects of our national heritage. Compliance with NEPA requires consideration of all environmental concerns during project planning and execution.

e. *Executive Order 11593, "Protection of and Enhancement of the Cultural Environment."* This order gives the Federal Government responsibility for stewardship of our Nation's historic and cultural properties. EO 11593 requires each Federal agency to identify all historic and cultural properties under its jurisdiction or control and to nominate all such properties that meet the National Register's "Criteria of Evaluation" for listing in the Register. Until these activities have been completed, agencies are directed to exercise caution to ensure that its historic and cultural properties are not inadvertently transferred, sold, demolished, or substantially altered.

f. *An Act to Facilitate the Preservation of Historic Monuments and Other Purposes.* (Pub. L. 94-519; 86 Stat. 503; 40 U.S.C. 484 (K) (3) and (K) (4)). This law authorizes the Administrator of General Services to convey, at no cost, National Register properties deemed appropriate by the Secretary of the Interior to local public bodies for historic monument purposes.

g. *Archeological and Historic Preservation Act of 1974* (Pub. L. 93-291; 88 Stat. 174; 16 U.S.C. 869). Amends the Reservoir Salvage Act of 1960 to extend its provisions to any alteration of the terrain caused as a result of any Federal construction project or federally

licensed activity or program. In addition the act provides a mechanism to fund mitigation for the protection of historical and archeological data.

h. *36 CFR Part 800, "Protection of Historic and Cultural Properties."* These regulations establish procedures for the implementation of Section 106 of the NHPA.

i. *Public Buildings Cooperative Use Act of 1976* (Pub. L. 94-541; 90 Stat. 2500, 40 U.S.C. 611) and *Executive Order 12072 (Federal Space Management)*. The act encourages use of historic buildings as administrative facilities for Federal agencies and activities and requires GSA to give preferential treatment to important historic and cultural properties in the management of space needs; the Executive order directs Federal agencies to locate administrative and other facilities in central business districts.

j. *American Indian Religious Freedom Act of 1978* (Pub. L. 95-341; 92 Stat. 469; 42 U.S.C. 1996). This act declares it to be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indians, Eskimos, Aleuts, and Native Hawaiians.

k. *Archeological Resources Protection Act of 1979* (Pub. L. 96-95; 93 Stat. 721; 16 U.S.C. 470aa, et seq.). This law provides protection for archeological resources found on public lands and Indian lands of the United States. The act prohibits the removal of archeological resources on public lands and Indian lands without first obtaining a permit from the affected Federal land managing agency or Indian tribe. The act provides civil and criminal penalties for those who remove or damage archeological resources in violation of the act.

5. *Responsibilities.* a. *All GSA Services.*—(1) Each service shall develop plans to implement this order. All existing GSA directives shall be reviewed and amended as necessary to provide for consistency with the requirements established by this order. Heads of Central Office Services and Regional Administrators shall take immediate steps to implement the provisions of this order. Heads of Central Office Services shall forward a copy of their proposed plans to implement the provisions of this order to the GSA Historic Preservation Officer for review and approval within 90 days of the effective date of this order. Responsibilities shall be established within each service's procedures consistent with those established by this order.

(2) It shall be the responsibility of each service within GSA to identify, evaluate, protect, and enhance all districts, sites, structures, buildings, and objects significant in American history, architecture, archeology, and culture. These historic and cultural properties include those properties which are listed in or previously determined to be eligible for listing in and those properties which may be eligible for listing in the National Register of Historic Places.

(3) Each service of GSA shall consider the needs of American Indians, Eskimos, Aleuts, and Native Hawaiians in the practice of their traditional religions. To ensure the protection of Native American religious cultural rites and practices, religious leaders or other native leaders (or their representatives) shall be consulted concerning areas of the potential conflict arising from the management of properties under GSA jurisdiction or control and the means to reduce or eliminate such conflicts.

(4) Total avoidance of adverse effects shall always be attempted. However, when all factors related to an undertaking are evaluated from the standpoint of the overall public benefit, it is possible that some historic and cultural properties may be adversely affected. Whenever an undertaking would adversely affect an important historic or cultural property, all adverse effects shall be minimized to the extent that is feasible and prudent.

(5) Compliance with Section 106 of the National Historic Preservation Act of 1966, Executive Order 11593, and the implementing regulations 36 CFR 800, shall be integrated with other environmental considerations under the National Environmental Policy Act of 1969 (NEPA) and 1502.25(a) of the Council on Environmental Quality regulations implementing the National Environmental Policy Act. Section 106 compliance will be completed by all services for each Register or Register-eligible property that may be affected by its undertakings even if an Environmental Impact Statement is not required by NEPA.

b. Commissioner, Public Buildings Service. The Commissioner, PBS, acts for the Administrator in all agency-wide historic preservation matters.

c. Director, Historic Preservation Staff. The Director acts as the GSA Historic Preservation Officer and is responsible for the implementation and direction of GSA's historic preservation program. The Director:

(1) Reviews all historic preservation matters within GSA;

(2) Coordinates all matters related to the protection and preservation of historic and cultural properties;

(3) Reviews all materials and concurs on all actions related to compliance with 36 CFR 800.6 (c) and (d);

(4) Submits GSA nominations to the Keeper of the National Register;

d. Regional Administrator. The Regional Administrator acts for the Administrator in all historic preservation matters within his or her region.

e. Regional Historic Preservation Officer (RHPO). The RHPO reviews, coordinates and oversees the execution of historic preservation programs for all services within the respective regions.

(1) The RHPO shall have a working knowledge of:

(a) Architectural history, building systems, and the philosophies and techniques of historic preservation;

(b) American cultural development and urban history, which are used to analyze, evaluate, and develop programs, projects and documentation regarding surveys of and planning for the management of regional GSA historic properties;

(c) Technical and logistical requirements of field surveys for the purpose of resource identification and documentation, including technical skills in research and editing;

(d) Technical literature (both standard and recent) in preservation and related fields;

(e) Codified procedures, published rules and regulations and policies of Federal preservation programs, and an understanding of private or non-Federal programs and policies which may serve the objectives of historic preservation; and

(f) Existing and currently developing legislation on the State or local levels which relates directly or indirectly to historic preservation.

(2) The RHPO is responsible for all aspects of the regional professional evaluation of GSA properties in accordance with this order. The RHPO acts as liaison between the Regional Administrator and the GSA HPO and State and Federal Agencies. In carrying out these duties, the RHPO is responsible for

(a) Consultation with the State Historic Preservation Officers;

(b) Consultation with the Advisory Council on Historic Preservation under 36 CFR 800.6;

(c) Review of all services' undertakings and concurrence with all activities which may affect historic and cultural property.

(3) The RHPO or, at the discretion of the Regional Administrator the

responsible program official shall be responsible for initiation of consultation with the appropriate SHPO at the earliest appropriate stage in planning or in consideration of an undertaking before the occurrence of any action which may limit the formulation and consideration of alternatives or mitigation measures. The RHPO or the responsible program official shall initiate consultation by directly contacting the SHPO with jurisdiction over the area and inform the SHPO of the nature and scope of the proposed undertaking. Whenever any of the consultative parties determine that a GSA undertaking will affect a National Register or eligible property (see Section 7), the RHPO or the program official shall initiate consultation with the Council immediately. Copies of all correspondence sent by the RHPO to the SHPO and the Council shall be simultaneously sent to the GSA HPO. All correspondence from the responsible program official to the SHPO or Council shall be acknowledged by the RHPO on the original.

(4) The RHPO is responsible for the review of all GSA-owned or administered properties prior to transfer or sale. (Section 2(f) of Executive Order 11593 contains provisions prior to transfer or sale.) Section 2(f) of Executive Order 11593 contains provisions which apply to the transfer or sale of Register and Register-eligible properties to other agencies or owners. If any Register or Register-eligible property is to be removed from the Government's jurisdiction or control which is subject to review under the Federal Surplus Property program, the RHPO shall notify the Council of the proposed transfer or sale and ensure that the provisions for the protection of the property have been integrated into the transfer or sale in conformance with the requirements of Section 2(f) of Executive Order 11593. Such provisions shall include mitigation of any adverse effects to Register and Register-eligible properties that might occur as a direct or indirect result of the transfer.

(5) The RHPO is responsible for reviewing and recommending acceptance of another Federal Agency's compliance with Section 106 of the act and 36 CFR 800 where the review of another Federal agency's compliance documents indicate:

(a) The GSA undertaking is identical with the undertaking reviewed by another Federal agency under the Section 106 compliance process and the GSA undertaking will be carried out in accordance with the terms specified in

the original Section 106 compliance documents;

(b) The GSA undertaking is included within the Federal undertaking's area of potential environmental impact;

(c) The Federal agency's Section 106 compliance process is consistent with the requirements established by this order.

(i) The RHPO shall notify the SHPO and the GSA HPO concurrently of his recommendations to accept another Federal agency's compliance with applicable preservation laws and regulations and provide a copy of the agency's document where the finding occurs. The notice shall additionally indicate that GSA will undertake no further reviews under this order unless an objection is raised within 15 days.

(ii) If an objection is raised to the RHPO's recommendation to accept another Federal agency's compliance with Section 106, the RHPO shall consult with the GSA HPO to either remove the objection or proceed with compliance in accordance with the procedures specified in the following sections of this order.

(6) In the case of adverse effect determinations, the RHPO shall inform the GSA HPO, who is the designated representative of the Administrator to the Council, prior to contacting the Council.

(7) The RHPO shall provide copies of all correspondence concerning compliance with 36 CFR 800.6 to the GSA HPO.

(8) The RHPO and, at the discretion of the Regional Administrator, the responsible program official shall sign all Memoranda of Agreement.

(9) The RHPO shall be responsible for recommending that mitigation measures are implemented and shall recommend that:

(a) Mitigation studies, surveys, and planning are incorporated into the earliest stages of project planning;

(b) The required mitigation planning, studies, and surveys are adequately funded and scheduled for accomplishment concurrently with the planning of other project features; and

(c) Mitigation options are foreclosed through tardy implementation;

(d) Mitigation measures are implemented prior to the time that any loss is incurred;

(e) Adequate funds for implementation and maintenance of mitigation measures are provided throughout the life of the undertaking.

6. Identification and evaluation of historic properties.

a. *General.* GSA shall identify all Register or Register-eligible properties and historic and cultural properties that

appear to meet the 36 CFR 1202.6 "Criteria" which are under its jurisdiction or control. Areas that may be affected by the policies, plans, programs, or other undertakings of GSA shall be examined for the presence of historic and cultural properties. Historic and cultural property surveys shall be completed for all real property under GSA's jurisdiction or control. Prior to authorization of any undertaking subject to review under this order, the RHPO shall investigate the area of potential environmental impact for the presence of historic and cultural real and personal properties. To accomplish such surveys, the RHPO shall conduct or cause to be conducted the appropriate identification study. Consultation with the SHPO and representatives of Native Americans (if affected) is required during the formulation of the study plans, during the study, and at the conclusion of the study. GSA conducts two levels of studies.

(1) *Overview.* An overview is an investigation of local, state, and national inventories and a field examination of the study area by a qualified professional. An overview determines what information already exists on the area under consideration and provides the basis for determining what additional information may be necessary to adequately inventory historic and cultural properties within the study area. The purpose of the overview is to identify Register, Register-eligible, and potentially eligible properties within the area of potential environmental impact.

(2) *Evaluation.*

(a) *Evaluative study.* An evaluative study is normally required to obtain sufficient documentation to apply the National Register Criteria (36 CFR 1202.6) to previously unidentified historic and cultural properties. An evaluative study includes an overview and an intensive examination of the study area. It is designed to provide sufficient information to make a professional evaluation of all historic and cultural properties within the study area. Once the study is completed, a copy shall be provided to the SHPO for consultation with the RHPO. A copy shall also be provided to any parties expressing an interest in the study area.

(b) *National Register submissions.*

(1) Formal determinations by the Keeper. If, in the opinion of the RHPO or the SHPO, the property appears to meet the criteria of eligibility for inclusion in the National Register, or if a question is raised concerning its eligibility by an interested party, the RHPO shall request a determination of eligibility from the

Keeper of the National Register in accordance with 36 CFR 1204.

(2) *Nominations to the National Register.* All properties under GSA's jurisdiction or control determined eligible for inclusion in the National Register by the Keeper shall be nominated to the National Register. The RHPO shall prepare the necessary National Register nomination forms and provide them to the GSA HPO who shall examine the nomination forms for completeness and accuracy. The GSA HPO shall be responsible for signing and transmitting the materials to the Keeper of the National Register.

b. *Property under GSA control.*

(1) *Real property.* GSA shall prepare a Historic Structures Report for each Register or Register-eligible property under its jurisdiction or control. Historic Structures Reports shall be prepared in accordance with the Handbook, Procedures for Historic Properties, ch. 3, pt. 3 (PBS P 1022.2) and shall contain:

(a) Historic and architectural investigation, unless previously conducted;

(b) Materials conservation analysis; and

(c) Parameters for conservation, maintenance, and rehabilitation.

(2) *Historic Structures Reports.* All reports shall be submitted to the GSA, HPO, the relevant SHPO, and the Council for review and comment. Comments shall be submitted within 30 calendar days. All reports which have been approved by the GSA, HPO, SHPO and the Council shall become a binding management plan for the property. From time-to-time it may become necessary to amend an existing approved Historic Structure Report to render it current with existing conditions. Any such amendments shall be developed in accordance with the criteria listed above and shall be submitted to the consulting parties for review and approval. Amended reports shall become effective upon approval by the consulting parties or within 30 calendar days of submittal for review.

(3) *Personal property.* GSA shall prepare a Historic Personal Property Report for each item of Register and Register-eligible personal property whenever an historic personal property will be affected by a GSA activity (e.g., routine maintenance, disposal, and warehousing). An Historic Personal Property Report shall be prepared in accordance with current professional standards for the class of object or materials affected and shall contain:

(a) Property inventory and evaluation (see pars. 6 and 7 of this order);

(b) Existing conditions analysis;

(c) Materials conservation analysis; and

(d) Parameters for conservations, maintenance, and rehabilitation.

(4) *Historic Personal Property Reports.* All such reports shall be submitted to the GSA HPO, the relevant SHPO, and the Council for review and comment. All reports shall, when approved by the above parties, become a binding management plan for the affected properties. From time-to-time it may become necessary to amend an existing approved Historic Personal Property Report to update it to current conditions. Any such amendments shall be developed in accordance with the above-listed criteria and shall be submitted to the consulting parties for review and approval. Amended reports shall become effective upon approval by the consulting parties or within 30 calendar days of submittal for review.

c. *Direct and leased construction.* All proposed sites for direct GSA and GSA-leased constructed space shall be investigated for the presence of historic and cultural properties. The RHPO shall determine the undertaking's area of potential environmental impact in consultation with the SHPO. The RHPO is responsible for the execution of all necessary identification studies and surveys to adequately discharge GSA's responsibility to identify historic and cultural properties within the area of potential environmental impact. (See section 5e.)

d. *GSA-leased and assigned space.* At the request of the Space Management Division, the RHPO shall determine whether any historic and cultural properties which may meet a Federal space need are located within the recommended delineated area. The Space Management Division shall notify the RHPO of the request as soon as space need is identified. Once notified, the RHPO shall immediately contact the relevant SHPO to request identification within 30 days of suitable historical, architectural, or cultural properties which may satisfy the identified space need.

e. *Disposal of real and personal property.*

(1) *Property under the control of GSA.*

(a) *Reporting historic and real properties excess.* When all alternatives for fulfilling Federal space requirements, including adaptive use and reuse have been exhausted, and a GSA historic property is to be vacated, a copy of the Report of Excess shall be sent by the Space Management Division to the RHPO. The RHPO shall review the proposed excess action for the inclusion of Register or Register-eligible or potentially eligible property. Where

such a property is to be excessed, the established procedures regarding disposal of these properties shall be followed. (See subpar. 5e(4) and (5).

(b) *Reporting historic personal property excess.* When GSA personal property is to be excessed, a copy of the Report of Excess shall be sent by the Office of Administration to the RHPO. The RHPO shall review the properties to be excessed to determine if any Register or Register-eligible or potentially eligible property is included in the proposed action. If any such property is to be excessed, the established procedures set forth in subpar. 5e (4) and (5) shall be followed.

(c) No undertaking which could alter, destroy, modify or relocate a historic or cultural property shall be initiated by GSA until the consultation process is completed pursuant to 36 CFR 800.6. The execution of a Memorandum of Agreement among the Council, the SHPO, and GSA normally concludes the consultation process set forth in 36 CFR 800.6.

(2) *Property under another agency's jurisdiction.* This order is not intended to relieve any other Federal agency of its responsibility to comply with the applicable laws and regulations related to the identification and protection of historic and cultural properties. GSA shall not accept either real or personal property excessed by another Federal agency nor act as an agent for transfer or sale of such properties unless and until the agency has accomplished its responsibilities pursuant to the National Historic Preservation Act and Executive Order 11593 for the properties in question. Evidence that the Federal agency's National Historic Preservation Act and Executive Order 11593 responsibilities have been met for the property shall be indicated on the Standard Form 118 or 120. Federal agency real or personal property to be excessed that lack evidence of compliance with Executive Order 11593 and Section 106 shall remain in the possession of the holding agency until such evidence is provided to GSA. Once the holding agency has met its Executive Order 11593 and Section 106 responsibilities, copies of the report and appropriate attachments for properties which are or may be Register-eligible shall be sent to the RHPO, and the procedures established in subpar. 5e. (4) and (5) regarding disposal of Register or Register-eligible properties shall be followed. The Director of Real and Personal Property Divisions are responsible for ensuring compliance with the provisions of this order for real and personal property.

7. *Determination of effect.*

a. All undertakings that are in conformance with a Historic Structures Report or Historic Personal Property Report are automatically "no adverse effect" determinations. The contract documents for the proposed undertaking shall be provided to the SHPO for review. The SHPO shall review the documents for conformity with the approved Historic Structure Report. If the SHPO determines that the proposed undertaking is not in conformance with an approved report, GSA shall either revise the proposed undertaking to make it conform to the approved report or initiate compliance in accordance with the following requirements of this order.

b. The Council's "Criteria of Effect" (36 CFR 800.3(a)) shall be applied to all properties listed in or determined eligible for listing in the National Register within an undertaking's area of potential environmental impact. The RHPO shall determine the effect of all GSA undertakings on Register or Register-eligible properties in consultation with the SHPO and those official representatives of Native Americans with interests in properties within the undertaking's area of potential environmental impact.

(1) *Determination of no effect.* Where it is determined that an undertaking will not affect Register or Register-eligible properties, the RHPO shall provide documentation to support the finding to the SHPO and the GSA HPO concurrently. Additionally, any representatives of Native Americans with interests in the properties within the area of potential environmental impact shall be informed of the effect determination. Unless the SHPO objects to the finding of "no effect" within 30 days, or other objections are raised, GSA may proceed with the undertaking.

(2) *Determination of no adverse effect.*

(a) If it is determined that there will be an effect on a Register or Register-eligible property, the RHPO, the SHPO, and any official representative of Native Americans with interest in properties within the area of potential environmental impact shall apply the criteria set forth in 36 CFR 800.3(b) to determine whether or not the effect will be potentially adverse. Undertakings which solely involve GSA administered or controlled properties and which have an approved Historic Structure Report or an approved Historic Personal Property Report that are to proceed in accordance with the approved Report shall be determined not adverse. (See a of this par.)

(b) If it is determined that the effect will not be adverse, documentation to

support this determination will be sent to the SHPO and, where required, the Native American representative. The RHPO shall submit documentation to support the determination of no adverse effect (see 36 CFR 800.13(a)) along with the SHPO's and the Native American representative's comments through the GSA HPO to the Council. Unless the Council responds to the GSA HPO pursuant to 36 CFR 800.6(a), GSA may proceed with the undertaking without further consultation.

(3) *Determination of adverse effect.* If it is determined that an undertaking has the potential to adversely affect National Register and eligible properties or if the Council objects to a finding of "no adverse effect," the RHPO shall prepare the necessary documentation to be submitted to the Council in the form of a Preliminary Case Report (36 CFR 800.13(b)). The GSA HPO shall coordinate all contracts with the Council pursuant to 36 CFR 800.6 (c) and (d) concerning adverse effect determinations. Any agreement pursuant to 36 CFR 800.6 (b), (c), and (d) which has not been coordinated with the GSA, HPO, whether originating internally within GSA or externally from the Council, shall not bind GSA.

(4) *Relationship to NEPA review process.* Compliance with the procedures stated in this order does not necessarily constitute compliance with NEPA. Conversely, the statutory provisions of NHPA must also be complied with separately and the inclusion of a section dealing with historic preservation in an Environmental Impact Assessment or Environmental Impact Statement does not automatically constitute compliance with this order. Whenever a GSA undertaking will affect a National Register or eligible property, the RHPO shall initiate consultation with the Council in either of the following two ways:

(a) *Environmental Impact Statement (EIS) Required.* Whenever a GSA undertaking requires the preparation of an EIS, the Council may be notified through the draft EIS. (See 36 CFR 800.9.) The draft EIS discusses, to the extent possible at the time of its issuance, the results of historic and cultural surveys and Historic Structure and Historic Personal Property Reports concerning the undertaking's area of potential environmental impact, the effect of the undertaking of all identified historic and cultural properties, and the appropriate documentation necessary to fulfill the requirements set forth in 36 CFR 800.13.

When the draft EIS is to constitute notification of the Council, the transmittal shall be sent concurrently to the GSA HPO, and the letter of notification shall clearly state that the draft EIS is being submitted to request the comments of the Council in accordance with the procedures and instructions within 36 CFR 800.6.

(b) *Environmental Impact Statement Not Required.* Whenever a GSA undertaking does not require the preparation of an EIS, but the undertaking could affect Register or Register-eligible listed properties, notification shall be accomplished by providing the Council with documentation, in accordance with the procedures and instructions within 36 CFR 800.6.

(c) *EIS preparation.* Any final EIS prepared pursuant to Section 102(2)(c), of NEPA, in addition to identifying the adverse effects, shall, if appropriate, discuss alternatives considered and describe the mitigation plans developed in consultation with the SHPO, representatives of Native Americans, and the Council, even though a Memorandum of Agreement may not have been formally executed.

8. Study of alternatives.

a. When a proposed undertaking has the potential to adversely affect historic and cultural properties, GSA shall take no action which could limit the consideration of alternatives and mitigation measures until the consultation process has been concluded. The execution of a Memorandum of Agreement among the Council, the SHPO and GSA normally concludes the consultation process. (See 36 CFR 800.6)

b. Whenever it is determined that an undertaking may have an adverse effect on a Register or Register-eligible property the RHPO shall, in consultation with the SHPO and the Council, conduct a study of alternatives pursuant to 36 CFR 800.6(b) to avoid the potentially adverse effect. Where a property has significance based on Native American religious or cultural rites and practices, GSA shall confer with representatives of the affected Native Americans to determine appropriate measures to protect and preserve Native American religious or cultural rites and practices. Alternatives that shall be considered are:

(1) Carrying out the proposed undertaking at a location that will eliminate or substantially reduce the potential to adversely affect historic and cultural properties (alternative locations);

(2) Conducting other undertakings, actions, activities, or programs with similar objectives which could avoid or substantially reduce the potential to adversely affect historic and cultural properties (alternative undertakings);

(3) Implementing other plans, designs, schemes, or concepts with similar objectives which could avoid or substantially reduce the potential to adversely affect historic and cultural properties (alternative design); and

(4) Taking no action (no action alternative).

c. Avoidance of adverse effects through the selection of alternatives shall be, to the extent that it is prudent and feasible to do so, the preferred option for all GSA undertakings.

9. *Mitigation measures.* a. Where alternatives to avoid adversely affecting historic and cultural properties are determined by the consulting parties not to be prudent and feasible, GSA shall develop measures to minimize the potentially adverse effect. Measures to mitigate adverse effects to National Register or eligible properties shall be developed in consultation with the Council and the SHPO. Where a property has significance based on Native American religious and cultural rites and practices, the RHPO shall confer with representatives of the affected Native Americans to determine appropriate measures to protect and preserve Native American religious or cultural rites and practices. Such measures may include:

(1) Limiting the magnitude or extent of the proposed undertaking or identified alternatives;

(2) Modifying the proposed undertaking through redesign, reorientation to the project site, and other similar changes;

(3) Rectifying the potentially adverse effects by rehabilitation, repairing, or restoring the affected resources;

(4) Compensating for the potentially adverse effects; for example, through the recovery and preservation of scientific, prehistoric, historic and archeological data; and

(5) Minimizing the potentially adverse effects over time through preservation and maintenance activities throughout the life of the undertaking.

(b) Mitigation measures shall be appropriate to the nature and importance of the historic and cultural properties in question. In all cases, there will be preservation of such physical features as may be prudent and feasible.

10. *Procedures for Emergency Discovery Situations.* Should historic

and cultural properties be discovered after compliance with this order and 36 CFR 800.6 is complete and during the implementation of an undertaking, the Secretary of the Interior shall be asked to investigate the discovery through the National Park Service (NPS) in order to determine the appropriate action.

The investigation will be initiated within 48 hours of notification of the nearest office of NPS by the RHPO in accordance with Section 4(a) of the Archeological and Historic Preservation Act (16 U.S.C. 469(a)), as indicated in the Statement of Program Approach (44 FR 18117-19) and the NPS implementing regulations (36 CFR 1210). Telephone notification followed by telegraphic abstract and request to NPS shall constitute notification. The SHPO and GSA HPO shall be notified by the RHPO concurrently with NPS. If the Secretary determines that the significance of the property, the effect, or any proposed mitigation measures warrant consideration by the Council, the GSA HPO shall request the comments of the Council pursuant to 36 CFR 800.7(b).

11. *Participation by interested parties.* GSA encourages interested parties to participate in the processes established by these procedures. GSA has three basic objectives in soliciting the participation of parties interested in proposed undertakings and possible effects on historic and cultural properties. The first objective is to obtain any information that individuals, organizations, universities, agencies, tribal governing bodies, and so forth, may have available to assist GSA, the SHPO, and the Council in carrying out their responsibilities under historic and cultural preservation laws and regulations. The second objective is to make documents, materials, and other data available, to the extent possible, concerning the undertaking and the nature of its effect on historic and cultural properties. (The information made available to interested parties, however, need not include the specific location of certain properties if, by revealing the location, such properties could be subject to damage or degradation.) The third goal is to increase the involvement of interested parties in the review processes established in this order. GSA shall invite the participation of interested parties through its normal public notification processes.

[FR Doc. 81-29780 Filed 10-14-81; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Int FES (81-47)]

Secretarial Land Use Plan, Havasupai Indian Reservation, Arizona; Availability of Environmental Statement

AGENCY: Bureau of Indian Affairs, Interior.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Impact Statement on the Secretarial Land Use Plan for the Addition to the Havasupai Indian Reservation, Arizona. The Land Use Plan, a requirement of Pub. L. 93-620 dated January 3, 1975, outlines the proposed uses for 185,000 acres of land added to the Havasupai Reservation by that same law. The purpose of the EIS is to assess the potential impacts of those uses on the environment. The proposed action is the acceptance of the Land Use Plan by the Secretary of the Interior.

The FEIS responds to the comments and concerns expressed by the reviewers of the draft statement and land use plan, and the attendees at two (2) public hearings. The FEIS, structured to be used in conjunction with the draft, consists of the written comments, the responses thereto, and corrections and additions to the draft statement.

Copies of the FEIS are available for review at the following locations: Bureau of Indian Affairs, Department of the Interior, Environmental Quality Services, Room 4552, Interior Building, 1951 Constitution Avenue NW., Washington, D.C. 20245, telephone: (202) 343-4541.

Phoenix Area Office, Bureau of Indian Affairs, 3030 North Central Avenue, Room 502, Phoenix, Arizona, 85012, telephone (602) 241-2275, FTS 261-2275.

Truxton Canon Agency, Bureau of Indian Affairs, Branch of Real Property Management, Valentine, Arizona, 86437, telephone (602) 769-2251.

Single copies of the FEIS may be obtained from the Phoenix Area Office at the above address.

Date: October 9, 1981.

Bruce Blanchard,
Director, Environmental Project Review.

[FR Doc. 81-29803 Filed 10-14-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Montrose District Advisory Council Meeting

Notice is hereby given in accordance with 43 CFR Part 1780 that a meeting of the Montrose District Advisory Council will be held on December 9, 1981.

The meeting will convene at 9:00 a.m. in the conference room of the Bureau of Land Management Office, Highway 560 South, Montrose, Colorado.

The agenda for this meeting will consist of a working session to review and discuss wilderness suitability recommendations contained in the Draft Gunnison Basin and American Flats/Silverton Wilderness Study Environmental Impact Statement.

The meeting is open to the public. Interested persons may make oral statements to the council between 11:00 and 11:30 a.m. on December 9, or file written statements for the council's consideration. Anyone wishing to make an oral statement should contact the District Manager, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81402; or telephone (303) 249-7791, by December 4, 1981.

Summary minutes of the council meeting will be maintained at the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Kennoth D. Herman,
Acting District Manager.

[FR Doc. 81-29333 Filed 10-14-81; 8:45 am]

BILLING CODE 4310-02-M

[Nev-049762]

Nevada; Classification Vacated

October 6, 1981.

Pursuant to the authority designated by Bureau Order 701 and amendments thereto, small tract classifications Nev-049762 is hereby vacated in its entirety.

As of 10:00 a.m. on November 16, 1981, the following described public lands are hereby restored to the operations of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

Mount Diablo Meridian

T. 21 S., R. 61 E.,

Sec. 13, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 5 acres.

Ed Evatz,

Acting State Director, Nevada.

[FR Doc. 81-29832 Filed 10-14-81; 8:45 am]

BILLING CODE 4310-84-M

Rawlins District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 94-579 that a meeting of the Bureau of Land Management, Rawlins District Grazing Advisory Board will be held at 10 a.m. Tuesday November 10, 1981, at the Bureau of Land Management office, Highway 287 South, P.O. Box 589, Lander, Wyoming 82520.

The agenda will include: (1) FY82 Annual Work Plan; (2) Green Mountain monitoring and study methods; (3) Lander Resource Area MFP recommendations; (4) maintenance contract on Lander Resource Area reservoirs; (5) recent wild horse roundup; and (6) arrangement for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 1 and 1:30 p.m., or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the district manager at the above address by November 6, 1981. A per person time limit may be established for persons wishing to make oral statements.

Summary minutes of the meeting will be on file at the district office and will be available for public review 30 days after the meeting.

Jack Kelley,

Acting District Manager.

[FR Doc. 81-29835 Filed 10-14-81; 8:45 am]

BILLING CODE 4310-48-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Contract Negotiations With American Falls Reservoir District, Idaho Power Company, and Thirty-Five Contracting Entities Owning Space in the American Falls Reservoir; Intent To Begin Contract Negotiations for Amendatory Contracts

The Department of the Interior, through the Bureau of Reclamation, intends to open contract negotiations to amend the existing American Falls Replacement Program (AFRDP) contracts to conform with the new Idaho

State water quality standard for dissolved oxygen in the Snake River. The negotiations will be conducted with the American Falls Reservoir District, the Idaho Power Company, and 35 contracting entities holding storage space in American Falls Reservoir. The 35 entities are composed of irrigation-water user organizations located in the Minidoka Project Area which extends along the Snake River for about 300 miles between the towns of Ashton in eastern Idaho and Gooding in south-central Idaho.

The American Falls Replacement Dam, located on the Snake River in southern Idaho, forms a reservoir with approximately 1.7 million acre-feet of storage capacity. The stored water is used for irrigation and power production. The replacement dam was constructed by the American Falls Reservoir District (Construction Agency), as authorized by the Act of December 28, 1973 (87 Stat. 904), on behalf of the spaceholders who had previously contracted with the United States for storage rights in the reservoir. Title to the replacement dam and related facilities was conveyed to the United States on July 28, 1980. The dam and reservoir are operated as an integral part of the Minidoka Federal Reclamation Project.

Four contract forms have been executed in the implementation of the AFRDP. The "Government Contract" between the United States and the Construction Agency provided for the construction, operation and maintenance of the AFRDP. The 35 separate "Spaceholder Contracts" among the United States, the Construction Agency, and water user entities holding storage space in the American Falls Reservoir provide for the sharing of costs associated with operation and maintenance of the AFRDP. The "Water Qualities Facilities Agreement" between the Construction Agency and Idaho Power Company, provides for the use of irrigation water released from the replacement dam for power generation.

Under the present "Water Quality Facilities Agreement," the United States may pass water by the power generation facilities if the dissolved oxygen (DO) level in the water below the dam is less than 6 parts per million (p/m). This DO standard was approved April 17, 1975, by the United States Environmental Protection Agency. The Idaho Legislature amended the State of Idaho DO standard for the Snake River below the dam to 5 p/m in 1980. The United

States Environmental Protection Agency has stated that the amended States standard was legally adopted for water from the Snake River below American Falls Dam and that the water-release schedule can be planned accordingly.

To facilitate the changes needed for operational procedures and for other administrative modifications, the Bureau of Reclamation is proposing that the existing AFRDP contracts be amended in the three respects: (1) To bring about conformance with the Idaho DO standard; (2) to permit Idaho Power Company to retain ownership of the water quality facilities contained within its powerplant; and (3) to allow the Construction Agency to designate an agent to collect and disperse annual spaceholder water quality facilities operation and maintenance payments. The Bureau of Reclamation is being considered for that responsibility. The public may observe any negotiating sessions. Advance notice of such meetings will be furnished on receipt of written request. Inquiries should be addressed to the Regional Director, Bureau of Reclamation, Attention Code 440, 550 West Fort Street, Box 043, Boise, Idaho 83724. The availability of the proposed draft contract amendment for public review will be announced in the local media. Following that announcement, a 30-day period will be allowed for receipt of written comments. Unless there is significant public response to this notice and related media announcement, no further notice of availability of the contract will be published in the Federal Register. All written correspondence concerning the proposed contract will be made available for review or inspection upon receipt of written request pursuant to the Freedom of Information Act (80 Stat. 383), as amended.

For further information on scheduled negotiating sessions and copies of the proposed contract form, please contact Ms. Cathy Kent, Contract and Repayment Specialist, Repayment and Statistics Branch, Division of Water, Power and Lands, Bureau of Reclamation, at the above address, or telephone (308) 334-9011.

Dated: October 9, 1981.

Darrell D. Mach,

Acting Assistant Commissioner of Reclamation.

[FR Doc. 81-29903 Filed 10-14-81; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Operational Procedures Pertaining to Historic and Cultural Properties, and Applicable Executive Orders

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of Final Operational Procedures for Implementing the National Historic Preservation Act of 1966, Other Laws Pertaining to Historic and Cultural Properties, and Applicable Executive Orders.

SUMMARY: This document prescribes policies and procedures utilized or to be utilized by the United States Section in implementing the National Historic Preservation Act of 1966, Other Laws Pertaining to Historic and Cultural Properties, and Applicable Executive Orders.

EFFECTIVE DATE: The procedures become effective October 15, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Frank P. Fullerton, Legal Adviser, United States Section, international Boundary and Water Commission, United States and Mexico, 4110 Rio Bravo, El Paso, Texas 79902 Telephone: (915) 543-7393—FTS: 572-7393.

SUPPLEMENTARY INFORMATION: On February 26, 1981, the Section published proposed procedures in the Federal Register (46 FR 14225), which prescribed the policies and procedures utilized or to be utilized in implementing the National Historic Preservation Act of 1966, Other Laws Pertaining to Historic and Cultural Properties, and Applicable Executive Orders.

A forty-six (46) day period was provided during which comments were to be received from other federal agencies, state agencies, private businesses, universities and individuals.

Comments were received only from the Director of the Office of Cultural Resource Preservation of the Advisory Council on Historic Preservation in response to the Federal Register notice containing the proposed procedures. The Director noted that since the proposed procedures had been published that the National Historic Preservation Act (NHPA) had been substantially amended and suggested additions to be considered which would take explicit cognizance of Section 110 of NHPA which clarifies the affirmative preservation responsibilities of federal agencies.

The suggestion of the Director of the Office of Cultural Resource Preservation are reflected in the final operational

procedures. As a result of the review by the staff of the United States Section, certain nonsubstantive revisions were made, and typographical errors were corrected.

Dated: October 2, 1981.

Frank P. Fullerton,

*Legal Adviser, United States Section,
International Boundary and Water
Commission, United States and Mexico.*

Operational Procedures for Implementing the National Historic Preservation Act of 1966, Other Laws Pertaining to Historic and Cultural Properties, and Applicable Executive Orders

200. National Historic Preservation Act

The National Historic Preservation Act (hereafter NHPA) of 1966, as amended (80 Stat. 915, 16 U.S.C.A. 470, as amended; Pub. L. 91-243, 84 Stat. 204; Pub. L. 93-54, 87 Stat. 139; Pub. L. 94-422, 90 Stat. 1319; Pub. L. 96-244, 94 Stat. 346), Executive Order No. 11593, May 13, 1971, Protection and Enhancement of the Cultural Environment (36 FR 8921, 16 U.S.C.A. 470), the President's Memorandum on Environmental Quality Water Resources Management, July 12, 1978 and the Regulations of the Advisory Council on Historic Preservation [ACHP or Council] dated January 30, 1979 provide that certain considerations are to be given and actions taken in proposing any Federal undertaking which may affect a historical or cultural property which has National, State or local significance. The requirements of the NHPA are to be integrated with other planning and environmental review procedures required by law or by agency practice so that all such a procedures run concurrently rather than consecutively.

200.1 Purpose

The Operational Procedures:
a. Prescribe guides to be utilized by the United States Section of the International Boundary and Water Commission, hereafter referred to as the Section, to implement NHPA and supplement ACHP Final Regulations for Protection of Historic and Cultural Properties, dated January 30, 1979 (44 FR 6072).

b. Insure initiation of the ACHP process at the earliest possible time, provide for assistance and consultation to individuals and non-federal entities who plan to take action before involvement of the Section, the State Historic Preservation Officer (hereafter SHPO), appropriate state and local agencies, and with interested private persons and organizations.

c. Establish early identification of undertakings that may have an effect on a significant historical or cultural property.

d. Provide procedures for decision documents pertaining to historical and cultural properties.

e. Provide that information is to be made available to the public before decisions are made about undertakings that may affect historical or cultural properties.

f. Direct that documents are to concentrate on the issues and properties that pertain to the proposed undertaking.

g. Define responsibilities within the Section.

200.2 Policy

The Section's Policy is to:

a. Give proper attention to undertakings that could affect significant historic and cultural properties to enable early and appropriate consideration of such actions on all historical and cultural values.

b. Invite early and continued cooperation, where appropriate, from the SHPO and Council, federal, state, regional and local authorities and the public, in the Section's planning and decision-making processes to develop alternatives and measures which will protect, restore or enhance historical and cultural properties, and to minimize and mitigate unavoidable adverse effects on such properties.

c. Implement domestic legislation and directives to the extent practicable without impairing the Section's international mission because the international projects under the jurisdiction of the International Boundary and Water Commission are partly or wholly located within the United States.

200.3 Applicability

The Operational Procedures apply to all Section programs and activities insofar as is possible or practicable without impairing its international mission. Domestic requirements must not impair the Section's performance of the United States international obligations which are carried out consistent with the treaties and foreign policy of the United States.

200.4 References

a. *Treaties.* (1) Convention between the United States and Mexico concerning the equitable distribution of the waters of Rio Grande (T.S. 455, 34 Stat. 2953, signed May 21, 1906, entered into force January 16, 1907).

(2) Treaty between the United States of America and Mexico entitled "Utilization of the Waters of the Colorado and Tijuana Rivers and of the Rio Grande" (T.S. 994, 59 Stat. 1219, signed February 3, 1944, entered into force November 8, 1945).

(3) Convention between the United States of America and Mexico entitled "Rectification of the Rio Grande" (T.S. 864, 48 Stat. 1621, signed February 1, 1933, entered into force November 13, 1933).

(4) Convention between the United States of America and the United Mexican States for the Solution of the Problem of the Chamizal (T.I.A.S. 5515, signed August 29, 1963, entered into force January 14, 1964).

(5) Treaty between the United States of America and the United Mexican States entitled "Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary" (T.I.A.S. 7313, signed November 23, 1970, entered into force April 18, 1972).

b. International Agreements.

International projects were constructed in accordance with the provisions of the above-referenced treaties and exchange of Notes between the Governments of the United States and Mexico. The United States and Mexico, through the International Boundary and Water Commission or its predecessor have constructed international projects in accordance with each of the following agreements:

(1) Minute No. 144, "Plans of Final Location of Rectified Channel of the Rio Grande in El Paso-Juarez Valley," signed June 14, 1934.

(2) Minute No. 148, "Works Which Each Government Shall Undertake on the Rio Grande Rectification Project in Accordance with the Convention of February 1, 1933," signed October 28, 1935.

(3) Minute No. 165, "Rules and Regulations for the Maintenance and Preservation of the Rio Grande Rectification Project, in the El Paso-Juarez Valley," signed August 13, 1938.

(4) Minute No. 174, "Supplemental Construction Work Which Each Government Should Undertake Under the Convention of February 1, 1933 on Account of Existing Conditions in the Rio Grande Rectification Project in the El Paso-Juarez Valley," signed March 3, 1942.

(5) Minute No. 182, "Approval of Joint Report on Engineering Conference on Studies, Investigations and Procedures for the Planning of Works to be Built in Accordance with the Treaty of February 3, 1944," signed September 23, 1946.

(6) Minute No. 187, "Determinations as to Site and Required Capacities of the Lowest Major International Storage Dam to be Built on the Rio Grande, in Accordance with the Provisions of Article 5 of the Treaty Concluded February 3, 1944," signed December 20, 1947.

(7) Minute No. 190, "Allocation to the Two Sections of the Commission of Remaining Items of Work Preparatory to Construction of Falcon Dam," signed August 13, 1948.

(8) Minute No. 192, "Plans and procedures for Construction of Falcon Dam and Recommendations for Construction of Falcon Hydroelectric Plants," signed September 7, 1949.

(9) The Lower Rio Grande Flood Control Project was approved in an exchange of Notes in 1932 between the two Governments in which each country agreed to a coordinated plan for flood protection and to perform the work within its own territory. Subsequently, additions and modifications to the plan were adopted in the following agreements: Minute No. 196, "Modification of the Original Plan for the Lower Rio Grande International Flood Control Project," signed December 18, 1950; Minute No. 212, "Improvement of the Channel of the Lower Rio Grande," signed December 22, 1961; and Minute No. 238, "Improvement of the International Flood Control Works of the Lower Rio Grande," signed September 10, 1970.

(10) The Joint Report of the United States and Mexican Commissioners for a coordinated plan of international flood protection facilities for Nogales, Arizona and Nogales, Sonora, signed on November 12, 1932, was subsequently approved by the two Governments by an exchange of notes.

(11) Minute No. 202, "Bases for Joint Operation and Maintenance of the Falcon Dam and Hydroelectric Plant and for Division of Cost Thereof," signed January 11, 1955.

(12) Minute No. 207, "Consideration of Joint Report of the Principal Engineers on Site, Capacities and Type of Dam for the Second Major International Storage Dam on the Rio Grande," signed June 19, 1958.

(13) Minute No. 210; "Recommendations Regarding Construction of Amistad Dam," signed January 12, 1961.

(14) Minute No. 215, "Design and Procedures for Construction of Amistad Dam," signed September 28, 1963.

(15) Minute No. 217, "Clearing of the Colorado River Channel Downstream from Morelos Dam," signed November 30, 1964.

(16) Minute No. 220, "Improvement and Expansion of the International Plant for the Treatment of Douglas, Arizona and Agua Prieta, Sonora Sewage," signed July 16, 1965.

(17) Minute No. 222, "Emergency Connection of the Sewage System of the City of Tijuana, Baja, California to the Metropolitan Sewage System of the City of San Diego, California," signed November 30, 1965.

(18) Minute No. 224, "Recommendations Concerning the Lower Rio Grande Salinity Problem," signed January 16, 1967.

(19) Minute No. 225, "Channelization of the Tijuana River," signed June 19, 1967.

(20) Minute No. 227, "Enlargement of the International Facilities for the Treatment of Nogales, Arizona and Nogales, Sonora Sewage," signed September 5, 1967.

(21) Minute No. 235, "Division of Operation and Maintenance Cost of Amistad Dam," signed December 3, 1969.

(22) Minute No. 236, "Construction of Works for Channelization of the Tijuana River," signed July 2, 1970.

(23) Minute No. 242, "Permanent and Definitive Solution to the International Problem of the Salinity of the Colorado River," signed August 30, 1973.

(24) Minute No. 247, "International Plan for the Protection of the Presidio-Ojinaga Valley Against Floods of the Rio Grande," signed February 7, 1975.

(25) Minute No. 258, "Modification of the United States Portion of the Plan for the Channelization of the Tijuana River," signed May 27, 1977.

(26) Minute No. 262, "Recommendations for Works to Preserve for the Rio Grande its Character as the International Boundary in the Reach from Cajoncitos, Chihuahua to Haciendita, Texas," signed December 26, 1979.

c. Laws. (1) National Environmental Policy Act, as amended, 89 Stat. 258, 42 U.S.C. 4331.

(2) National Historic Preservation Act, as amended, 80 Stat. 915-99, 16 U.S.C.A. 470.

(3) The Act of May 24, 1974 (Archaeological and Historic Preservation), 88 Stat. 174, 16 U.S.C.A. 469-1.

(4) The Act of April 25, 1945 (Rio Grande Bank Protection Act), Pub. L. 40, 59 Stat. 89 (Appropriations Act).

d. Executive Orders. (1) Executive Order No. 11514, "Protection and Enhancement of Environmental Quality," March 7, 1970; 35 FR 4247.

(2) Executive Order No. 11593, "Protection and Enhancement of the

Cultural Environment," May 13, 1971; 36 FR 8921.

(3) Executive Order No. 11752, "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities," December 17, 1973; 38 FR 34793.

(4) Executive Order No. 11988, "Floodplain Management," May 24, 1977; 42 FR 26951.

(5) Executive Order No. 11990, "Protection of Wetlands," May 24, 1977; 42 FR 26961.

(6) Executive Order No. 11991, "Relating to Protection and Enhancement of Environmental Quality," May 24, 1977; 42 FR 26967.

(7) Executive Order No. 12114, "Environmental Effect Abroad of Major Federal Actions," January 4, 1979; 44 FR 1957.

e. Regulation. ACHP Regulations, "Protection of Historic and Cultural Properties," dated January 30, 1979; 44 FR 6067.

200.5 Responsibilities Within the Section

a. *Chief, Planning and Reports Branch.* The Chief, Planning and Reports Branch, under the supervision of the Principal Engineer, Investigations and Planning Division, is the designee authorized to act as the Agency's "Preservation Officer" in compliance with section 110(c) of NHPA and is responsible for the preparation of reviews of individual undertakings, the identification of National Register and eligible properties, coordination with appropriate SHPOs, making determinations of the effect of proposed undertakings, and preparation of documented determinations of no adverse effect and of adverse effects. For each proposed undertaking, he will submit to the Principal Engineer an outline of the actions to be taken pertaining to historic and cultural properties, including analyses surveys, and the coordination and consultation with SHPO, other agencies, groups and individuals. When it is appropriate to obtain supplemental information in evaluating effects of a proposed undertaking, he will solicit information from other government agencies (federal, state and local) with jurisdiction by law or special expertise with respect to any historical or cultural effect involved, and interested universities, individuals, associations, or groups.

Chief, Planning and Reports Branch will draft and obtain Section approval of all notices to be published in the Federal Register except when another agency or agencies act as agent for the Section.

Persons interested in obtaining information or status reports on studies or evaluations pursuant to these procedures should address their requests to: Chief, Planning and Reports Branch, United States Section, International Boundary and Water Commission, 4110 Rio Bravo, El Paso, Texas 79902.

In the case of an agency or agencies acting as agent for the Section in the preparation of project feasibility studies and/or similar type studies, that agent will prepare evaluations and coordinate activities with the SHPO according to its established procedures, except that transmittals to the Department of State and the ACHP will be by the Commissioner, Head of the Agency (Section). The agent has the responsibility to confer with the Section through the Agency's responsible representative and to keep it fully informed.

b. *Principal Engineer, Investigations and Planning Division.* In addition to responsibilities under Item a., the Principal Engineer, Investigations and Planning Division, will assure review is made of studies and analyses to insure the professional and scientific integrity of discussion, analyses and conclusions in the historical and cultural documents, and that a technically sound approach has been used in the evaluations.

The Principal Engineer will also be responsible for consultation with the SHPO and the ACHP on mitigation measures, and the transmittal to agencies, associations and individuals of information pertaining to mitigation.

c. *Secretary.* The Secretary will be responsible for providing policy guidance on the international aspects of proposed undertakings, inputs to the historical and cultural documents pertaining to international considerations, including treaties and agreements, and review of draft historical and cultural documents for international considerations.

d. *Legal Adviser.* The Legal Adviser shall provide staff advice concerning interpretation of NHPA and other acts, executive orders, regulations, and all legal requirements pertaining to proposed undertakings.

When uncertainty exists within the Section as to the requirement in a specific case for action under NHPA or other acts, executive orders or regulations, the Legal Adviser will initiate consultations with the Office of Environment and Health (OES/ENH) of the Department of State, and follow through to a final determination. In every case where the Section determines from its evaluation that a Determination of No Adverse Effect will

be made, the Legal Adviser shall so inform OES/ENH.

The Legal Adviser will be responsible for the publication of the necessary notices in the Federal Register.

200.6 Review of Individual Undertakings

a. *Responsibility of the Section.* As early as possible before the Section makes a final decision concerning an undertaking, and in any event prior to taking any action that would foreclose alternatives, the following steps will be taken to comply with requirements of Sections 106 and 110(a)(1) and (2) of NHPA and Section 2(b) of E.O. 11593:

Identifying historical and cultural resources, including any necessary surveys;

Initiating eligibility determinations; Determining effects, if any, of the proposed undertaking on National Register or eligible properties;

Applying the criteria of adverse effect when the proposed undertaking has an effect on a property;

Identifying and evaluating alternatives to the proposed undertaking, including the no-action alternative;

Identifying mitigation measures;

Coordination as appropriate throughout the evaluation with the SHPO and the ACHP; and

Informing the public at appropriate times.

b. *Identifying Resources.* The objective of this step is to examine the area of the undertaking's potential environmental impact for the presence of historic, cultural, architectural, and archeological resources in order to determine whether such resources are included in or eligible for the National Register. The National Register shall be checked and contact made with the SHPO to ascertain if there are any proposed eligible properties in the area of the undertaking. Contacts may be made with professional archeological organizations and academic archeologists, historical societies, and landmark commissions, as applicable, to obtain information to identify potential resources. Consultations will be had with the State Archeologist (if applicable to the particular State) through the SHPO. A log will be maintained of all actions taken in this identification step for use in demonstrating that the Section has made a reasonable effort to identify National Register and eligible properties.

The examination of the area will vary with the type, location and size of the proposed undertaking, with the scope of

the surveys to be made considering the likelihood of finding eligible resources and with the kinds of resources potentially present.

Studies and surveys to provide basic information and to forecast changes under proposed conditions will be performed by professionally competent personnel using generally recognized and accepted scientific methods. The disciplines of the preparers shall be appropriate to the scope and issues identified in preliminary reviews of the undertaking. Studies may be performed by the staff, by consultants, including university personnel, and by federal, state or local agencies. Staff studies will be scheduled with the approval of the Principal Engineer, Investigation and Planning Division. The scope of the studies to be performed by consultants and agencies and the agencies or consultants to perform the studies, will be recommended to the Commissioner, by the Principal Engineer, Investigations and Planning Division. The Chief, Planning and Reports Branch will be the Section's representative in monitoring studies being performed for it, and be responsible for review of the draft reports of the studies.

As such studies, surveys and tests will provide information important to compliance with both the requirements of NHPA and the National Environmental Policy Act (NEPA) the scope of work to be done should be designed to provide the information required for compliance with both acts.

c. Initiating National Register Eligibility Determinations. The National Register Criteria (36 CFR 60.6) will be applied to those resources located by the Surveys which have either not been listed in nor previously have been determined to be eligible for listing in the National Register. The SHPO will be consulted on these determinations. If any property appears to be eligible or there is a question about eligibility for listing under one or more of the four criteria, a request will be made to the Secretary of the Interior for a formal determination.

d. Determining Effects. An effect is any alteration to the National Register quality of a property which may result from an undertaking or any of its related activities. Effects may be either beneficial or adverse, may be direct or indirect, may be concentrated or dispersed, caused or induced, and short- or long-term. In order for there to be an effect, the potential to change must relate to the characteristics of the property that qualify its inclusion in the National Register. The basis for the determination of the change in the characteristics should be described. A

copy will be requested from the SHPO of the National Register form or the documentation submitted to support a determination of eligibility to provide information on the qualities of the property that make it eligible for inclusion in the National Register and, hence, to determine the effect of the undertaking.

(1) No effect. Basically a determination of no effect means that the proposed undertaking, or a preferred alternative, and related activities have no potential to alter the National Register qualities of the resources present within the area of the undertaking's potential environmental impact. There would also be no effect if a determination has been made that there are no National Register or eligible properties within the impact area of the undertaking.

(2) Documentation. A summary memorandum should be prepared fully describing the actions taken and the evaluations made which led to determination of no effect. The memorandum shall summarize the coordination with the SHPO and the information and comments from SHPO.

e. Applying Criteria of Effect. When any effect on a National Register or eligible property is determined to be a potential of the proposed undertaking the Criteria of Effect shall be applied to determine if the effect is adverse or beneficial. An effect will be considered to be adverse if it will cause:

(1) Destruction or alteration of all or part of a property;

(2) Isolation from or alteration of the property's surrounding environment;

(3) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;

(4) Neglect of a property resulting in its deterioration or destruction.

(5) Transfer or sale of a property without adequate conditions or restrictions regarding preservation, maintenance or use.

f. Determination of No Adverse Effect. The Determination of No Adverse Effect shall be submitted to the Executive Director of the Council for review in accordance with § 800.6 of ACHP Regulations.

g. Determination of Adverse Effect. When a determination has been made that the effect on a property is adverse, or if the Executive Director of ACHP does not accept the Section's Determination of No Adverse Effect, the following actions will be taken by the Principal Engineer, Investigations and Planning Division:

(1) Prepare and submit a Preliminary Case Report requesting the comments of

the Council in accordance with § 800.13(b) of ACHP Regulations.

(2) Notify the SHPO of the request, providing him a copy of the Preliminary Case Report.

(3) Proceed with the consultation process outlined in § 800.6(b) of ACHP Regulations.

h. Consultation Process. In the consultation process the Principal Engineer, Investigations and Planning Division, and the Chief, Planning and Reports Branch, meeting with the SHPO and the Executive Director, will consider feasible and prudent alternatives to the undertaking that could avoid, mitigate or minimize effects on a National Register or eligible property. The alternatives to be evaluated shall include the alternatives being considered in environmental evaluations being made for NEPA. If the consulting parties cannot agree on an alternative to avoid the adverse effects on a National Register or eligible property, they shall consult further to determine if there are alternatives that could satisfactorily mitigate the adverse effects. The purpose of mitigation is to avoid, reduce, or counter damages to archeological or historical sites in a systematic manner that results in the least losses, or, minimizes the impact on the characteristics of historical structures. Total avoidance of adverse effects is to be considered.

If the consulting parties agree upon a feasible and prudent alternative to avoid or satisfactorily mitigate the adverse effects of the undertaking on the National Register or eligible property, a Memorandum of Agreement shall be executed by the Principal Engineer, the SHPO and the Executive Director in accordance with § 800.6(c) of ACHP Regulations acknowledging this determination and specifying any recording, salvage, or other measures to minimize the adverse effects that shall be taken before the undertaking proceeds.

i. Failure to Agree. Upon the failure of the consulting parties to agree upon the terms of a Memorandum of Agreement, or upon notice of such failure by any of the consulting parties to the Executive Director, the Executive Director shall notify the Chairman of the Council within fifteen (15) days and shall recommend whether or not the matter should be scheduled for consideration at a Council meeting. The Agency "preservation officer" and the SHPO shall be notified in writing of the Executive Director's recommendation. The Agency "preservation officer" shall provide such reports and information as

may be required to assist the Chairman in this determination.

In the event the Chairman or the Council determines to consider an undertaking at a meeting, the Section, through the Commissioner, will provide reports requested at least twenty-one (21) days before a Council or panel meeting.

Upon receipt of the comments of a Panel or of the Council, the Commissioner shall take these comments into account in reaching a decision in regard to the proposed undertaking. If the Commissioner determines not to follow the Panel or the Council's comments, a written notice shall be immediately provided to the Council.

When a final decision regarding the proposed undertaking is reached by the Commissioner, a written report shall be submitted to the Council describing the actions taken by the Section in response to the Council's comments; the actions taken by other parties pursuant to the actions of the Section; and the effect that such actions will have on the affected National Register or eligible property. Receipt of this report by the Chairman shall be evidence that the Section has satisfied its responsibilities for the proposed undertaking under the NHPA, the Executive Order and the ACHP Regulations.

200.7 Concurrent Action Under Other Laws, Regulations and Executive Orders

During inventory and evaluation studies of historic and cultural properties, the designated official will take all appropriate actions to assure that there will be concurrent consideration of the requirements established in other laws, regulations, and in Executive Orders, including but not limited to studies and actions under NEPA. This concurrent consideration will be documented and summarized in any documentation described hereinbefore.

200.8 Consultation With Agencies and Individuals

After preparing a draft description of the proposed undertaking, the SHPO, historical and archeological societies and individuals in the general area will be consulted to obtain their views, comments, and suggestions on the effects, if any of the proposed undertaking. The extent of these consultations will vary with the type and subject matter of the undertaking being considered, with the SHPO being consulted on most matters. Individuals and historical and archeological societies who have expressed an

interest in specific areas or subjects will be contacted for their comments. Subsequent required documentation will list the agencies, societies and individuals consulted and summarize their views.

200.9 Preparing Documentation

Documentation necessary to comply with these procedures shall be written in plain language and make use of appropriate illustrations so that users, including the public, can readily understand its contents, meaning and applications, and the effects on National Register or eligible properties. The draft documentation shall be prepared minimizing the use of technical terms and shall be rewritten or edited to assure clarity. The edited draft shall be given a thorough review by qualified personnel to assure its accuracy. The documentation shall include only sufficient detail to understand the proposed undertaking, alternatives, and the consequences. Where possible, photographs which assist in understanding important topics will be used. Extraneous data and information should be omitted from the documentation and be included in the investigation's supporting information file or record.

200.10 Exceptions

The nature of negotiations and relations at the international level may make it necessary to depart in some instances from the procedures in the ACHP Regulations. Exceptions applicable to the Section are set forth below.

a. The documents which are written to comply with NHPA should not normally include any classified or administratively controlled material nor should they normally include statements with respect to positions other than the preferred position of the United States in any ensuring negotiation or discussion. Although such documents should, whenever possible, be unclassified and hence available to the public, there may be situations where such documents cannot adequately discuss effects without disclosure of classified information. In these instances the documents will be appropriately classified. Whenever possible, the classification should terminate on a specified date or upon the happening of a described event. Such documentation, so long as it is classified, will not be made available to the public. Consultation will be carried on with appropriate agencies on classified matters.

b. Every attempt will be made to comply with coordination and time

requirements provided in ACHP Regulations. Where schedules of international conferences make this impossible, the Section will notify ACHP as soon as possible of the circumstances with the purpose of fulfilling the intent of NHPA insofar as possible.

c. From time to time there will arise good and valid reasons for a deviation from these procedures. The procedures are not intended to be a substitute for sound professional judgement. Accordingly, if and as problems arise which justify a deviation, the proposed deviation and supporting rationale shall be forwarded to the United States Commissioner, the head of the Agency.

d. Section 800.15 of ACHP Regulations encourages maximum public participation in the review process, and envisions use of public information meetings. Public meetings will be utilized by the Section only upon a determination by the United States Commissioner that the requirements of carrying on international relations, including the constraints of time and the posture of the United States in negotiations allow such meetings to be carried out without prejudice to the national interests.

200.11 Definition of Key Terms

The definitions contained within ACHP Regulations, Part 800, apply to these procedures.

200.12 Effective date

These procedures will become effective upon the date of their publication in final form in the Federal Register. (October 15, 1981).

Frank P. Fullerton,

Legal Adviser.

[FR Doc. 81-2331 Filed 10-14-81; 8:45 am]

BILLING CODE 4710-03-M

INTERSTATE COMMERCE COMMISSION

Appointment of Agents to Require Emergency Routings of Amtrak Passenger Trains; Delegation of Authority

Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 526(c)) requires the Commission to take emergency actions pertaining to the use of the National Railroad Passenger Corporation (Amtrak) of the tracks and facilities of other railroads.

Under certain conditions the necessity of immediate action may be such as to require determination and action by a single individual because of the time

required to convene the Commission to receive and act upon an application from Amtrak for an emergency order.

It is ordered,

Appointment of Agents to Require Emergency Routings of Amtrak Passenger Trains.

(a) J. Warren McFarland, Director, Robert S. Turkington, Associate Director, and John H. O'Brien, Deputy Director, Office of Consumer Protection, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to issue emergency orders requiring a railroad immediately to make its tracks and other facilities available to Amtrak for the operation of its passenger trains.

(b) *Effective date.* This order shall become effective at 12:01 a.m., October 1, 1981.

(49 U.S.C. 10305 and 45 U.S.C. §26(c).)

Decided: September 19, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

James H. Bayne,
Acting Secretary.

[FR Doc. 81-29798 Filed 10-14-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-50 (Preliminary)]

Stainless Clad Steel Plate From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-50 (Preliminary) to determine, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of stainless clad steel plate, provided for in item 607.94 of the Tariff Schedules of the United States, which are alleged to be, or likely to be, sold in the United States at less than fair value.

EFFECTIVE DATE: October 6, 1981.

FOR FURTHER INFORMATION CONTACT:

Judith C. Zeck, Office of Investigations,

U.S. International Trade Commission; telephone (202-523-0339).

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted following receipt of a petition on October 6, 1981, filed in behalf of the U.S. clad plate industry by Lukens Steel Co., Coatesville, Penn., a producer of stainless clad steel plate. The Commission must make its determination in the investigation within 45 days after the date on which the petition was filed, or by November 20, 1981 (19 CFR 207.17). The investigation will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457), and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before November 3, 1981, a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10 a.m., e.s.t., on October 29, 1981, at the U.S. International Trade Commission Building, 701, E Street, NW., Washington D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigation, Mr. Lynn Featherstone (202-523-0242). It is anticipated that parties in support of the petition for antidumping duties and parties opposed to the petition will each be collectively allocated one hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

Inspection of petition.—A copy of the petition in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

For further information concerning the conduct of the investigation and rules of

general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR 207), and part 201, subparts A through E (19 CFR 201).

This notice is published pursuant to 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: October 8, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-29916 Filed 10-13-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-101]

Certain Hot Air Corn Poppers and Components Thereof; Amendment of Complaint and of Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: (1) Granting of motion to amend complaint and notice of investigation to include—Hamilton Beach Division—Scovill Inc., 59 Mill Street, Waterbury, Conn. 06720, as an additional party respondent.

(2) Waiver of time restrictions imposed by 19 CFR 210.41(e) and 210.53(a) and extension of time for the presiding officer to conduct an evidentiary hearing, to certify the record, and to file a recommended determination of whether there is a violation of section 337 of the Tariff Act of 1930.

AUTHORITY: This investigation is being conducted under the authority of subsection (b) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(b)). Notice of amendment of complaint and notice of investigation is governed by 19 CFR 210.20(d) and 210.22. Pursuant to 19 CFR 210.41(e) and 210.53(a), the Commission may allow a longer time for the presiding officer to conduct an evidentiary hearing and to file a recommended determination.

SUPPLEMENTARY INFORMATION: The Commission is conducting investigation No. 337-TA-101 in order to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation of certain hot air corn poppers and components thereof into the United States, or in the sale of such articles, which are alleged to infringe claims 1, 2, 3, and 5 of U.S. Letters Patent 4,178,843 with the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. These proceedings were initiated

¹ Change in agent and effective date.

on the basis of an amended complaint filed on behalf of the assignee of the patent, Wear-Ever Aluminum, Inc., a wholly-owned subsidiary of the Aluminum Co. of America.

The notice instituting the investigation and defining its scope was published in the Federal Register on May 22, 1981 (46 FR 28043). The parties named as respondents included two foreign firms that produce the allegedly infringing apparatus and supply it to domestic distributors—Yamada Electric Industries, Ltd. of Tokyo, Japan and Chiap Hua Clocks and Watches Ltd., of Hong Kong—and five domestic firms which the complainant has accused of importing and selling the subject merchandise—The West Bend Co., a division of Dart Industries Inc.; Sunbeam Corp.; Maxim Associates Corp.; K-Mart Corp.; and the Stop & Shop Companies, Inc. The General Electric Co. was subsequently designated as an additional party respondent when the Commission granted on its motion to intervene in the investigation.

On August 24, 1981, the complainant filed a motion (No. 101-5) to amend the complaint and notice of investigation in order to add Hamilton Beach Division—Scovill Inc. (Hamilton Beach), as an additional party respondent, since that company has begun importing into the United States components of the hot air corn poppers which are the subject of this investigation. Respondents Chiap Hua and West Bend subsequently filed responses opposing the motion. On September 21, 1981, the presiding officer issued an order recommending, among other things (1) that the Commission amend the complaint and notice of investigation to include Hamilton Beach as an additional party respondent and (2) that, as a condition of such amendment, the Commission should waive the time restrictions of 19 CFR 210.41(e) and 210.53(a) thereby allowing the presiding officer to file a recommended determination within 10 months (rather than 9 months) after the date of publication of the notice of investigation.

Upon consideration of the motion (No. 101-5) to amend and the responses thereto, the second amended complaint, the recommendation of the presiding officer, and all other documents on the record developed in this investigation, on October 8, 1981, the Commission decided to grant Motion No. 101-5 and to deem the notice of investigation previously issued on May 18, 1981 and published in the Federal Register on May 22, 1981 (46 FR 28043) amended to include Hamilton Beach Division—

Scovill Inc. as an additional party respondent. Having granted the complainant's motion, the Commission also decided to waive the time limitations imposed by the 19 CFR § 210.41(e) and § 210.53(a) and to extend the time for the presiding officer to conduct an evidentiary hearing, to certify the record, and to file a recommended determination within 10 months from the date on which the notice of investigation was published in the Federal Register.

Copies of the Commission's Action and Order, as well as all other nonconfidential documents on the record of this investigation, are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: P. N. Smithy, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Room 224, Washington, D.C. 20436, telephone 202-523-0350.

Issued: October 8, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-29917 Filed 10-14-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-92]

Certain Airtight Wood Stoves; Termination of Investigation and Rejection of Consent Order Agreements

AGENCY: U.S. International Trade Commission.

ACTION: Notice of termination of investigation and rejection of consent order agreements.

SUPPLEMENTARY INFORMATION: In connection with a complaint filed on October 16, 1980, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), alleging unfair acts and methods of competition in the importation into or sale in the United States of certain airtight wood stoves, the Commission on December 17, 1980, published a notice of investigation in the Federal Register (45 FR 83034). The Commission stated that the investigation was being undertaken to determine whether section 337 is being violated by reason of infringement of complainant Energy Harvesters Corp., common law trademark rights or of U.S. Patent Des. 253,189 or by passing off or deceptive advertising and marketing of

stoves like those of the complainant, Energy Harvesters Corp.

On July 6, 1981, the Commission investigative attorney filed two motions, Motion 92-7 and Motion 92-8. Motion 92-7 asked that the Commission terminate this investigation because the consent orders signed in investigation No. 337-TA-106, in which respondents Franklin Cast Products, Inc., and Oriental Kingsworld Industrial Co., Ltd. agreed not to import the stoves in question in this investigation, rendered the present investigation moot. On July 31, 1981, the administrative law judge (ALJ) denied motion 92-7. The Commission investigative attorney moved pursuant to § 210.60(b) of the Commission's rules of practice and procedure for leave to file an application for interlocutory review of the ALJ's ruling on motion 92-7. The ALJ granted leave to file that application on August 21, 1981, and the application itself was filed on September 4, 1981.

The second, Motion 92-8, was filed jointly by the Commission investigative attorney, Franklin Cast Products, Inc., Oriental Kingsworld Industrial Co., Ltd., and Unity Buying Service Co., Inc., pursuant to sections 210.51 and 210.20 of the rules. Motion 92-8 requested termination of this investigation based on consent order agreements signed by the Commission investigative attorney and the respondents, but not by the complainant. On July 31, 1981, the ALJ denied motion 92-8 because complainant Energy Harvesters Corp., had not signed the consent orders and therefore the agreements did not comply with § 211.20(b) of the rules. The ALJ also certified the motion to the Commission and stayed the proceedings.

On October 8, 1981, the Commission granted motion 92-7 and terminated investigation No. 337-TA-92 as moot. The Commission also denied motion 92-8 as moot because motion 92-7 has been granted and the investigation terminated.

Copies of the Commission's Action and Order and all other nonconfidential documents in the record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20346, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0359.

Issued: October 9, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-29918 Filed 10-14-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-99]

Certain Molded-In Sandwich Panel Inserts and Methods for Their Installation; Prehearing Conference and Hearing.

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on October 19, 1981, in the Dodge Center, Room 201, 1010 Wisconsin Avenue, NW, Washington, D.C., and the hearing will commence immediately thereafter.

The purpose of the prehearing conference is to review the trial memoranda submitted by the parties, the stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the Federal Register.

Issued: October 5, 1981.

Janet D. Saxon,
Administrative Law Judge.

[FR Doc. 81-29919 Filed 10-14-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-93]

Certain Universal Joint Kits, Components Thereof, and Trunnion Seals Used Therewith; Notice of Termination

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation No. 337-TA-93.

SUMMARY: Notice is hereby given that the Commission has granted a motion to terminate the above-referenced investigation.

AUTHORITY: The authority for Commission disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.55 of the Commission's Rules of Practice and Procedure (19 CFR 210.55).

SUPPLEMENTARY INFORMATION: The termination is based on a settlement agreement between the complainant in this investigation, Dana Corp., and all remaining respondents, GMB Universal Joints, Inc., GMB Universal Joints (West), Inc., and Naniwa Seimitsu Industry Co. The settlement agreement was published in the Federal Register of July 29, 1981 (46 FR 38787).

Copies of the Commission action and order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW, Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

Issued: October 5, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 29920 Filed 10-14-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-101; Order 16]

Certain Hot Air Corn Poppers and Components Thereof; Order Redesignating Presiding Officer

Pursuant to my authority as Chief Administrative Law Judge of this Commission and for reasons of judicial administration, I hereby designate Administrative Law Judge Janet D. Saxon as the Presiding Officer in this investigation and hereby relieve Administrative Law Judge Donald K. Duvall, effective this date.

The Secretary shall serve a copy of this order upon all parties and shall publish it in the Federal Register.

Issued: October 9, 1981.

Donald K. Duvall,
Chief Administrative Law Judge.

[FR Doc. 81-29921 Filed 10-14-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 81-15]

Jess B. Caderao, M.D.; Revocation of Registration; Final Order

On May 14, 1981, the Administrator of the Drug Enforcement Administration (DEA) directed to Jess B. Caderao, M.D. (Respondent) an Order to Show Cause as to why the DEA should not revoke his DEA Certificate of Registration AC8982488. The predicate for the Order to Show Cause is the conviction of Respondent in the Superior Court of the State of Washington for the County of King, of uttering a false or forged prescription for a controlled substance, namely Oxycodone, also known as

Percodan, in violation of Revised Code of Washington 69.50.401. This is a conviction for a controlled substance-related felony. This matter was placed on the docket of the Honorable Francis L. Young, Administrative Law Judge. Pursuant to an order of the Administrative Law Judge, the parties exchanged prehearing statements. Following a prehearing telephone conference on June 23, 1981, Judge Young scheduled this matter to be heard on August 25, 1981, in Seattle, Washington.

On July 2, 1981, Government counsel moved to amend the Order to Show Cause for summary disposition of the matter. The grounds for the amendment to the Order to Show Cause was an order entered by the State of Washington Medical Disciplinary Board on May 30, 1981. In that order, the Board stated that Dr. Caderao's controlled substance privileges are revoked. The Board ordered Respondent not to prescribe, administer, dispense, order or possess controlled substances. In an opinion and recommended decision on August 21, 1981, Judge Young granted the Government's motion for amendment of the Order to Show Cause, cancelled the hearing set for August 25, 1981, and recommended to the Acting Administrator that he revoke Respondent's DEA registration for reason that Respondent is not authorized to dispense controlled substances in the State of Washington.

Judge Young found that Respondent's controlled substance privileges were revoked in the State of Washington, the State in which he practices. This revocation terminates Respondent's authority to prescribe, dispense, administer or otherwise handle controlled substances in the State of Washington. Under Title 21, United States Code, Section 823(f), DEA is to register practitioners such as Respondent only if they are authorized to dispense controlled substances under the law of the state in which they practice. The Washington State Medical Disciplinary Board has revoked Respondent's controlled substance privileges in Washington. Therefore, he is without authority to dispense controlled substances and DEA cannot register him. The merits of the action of the Washington Board are irrelevant in the DEA proceedings. Respondent does not contest the genuineness of the Washington State order or the revocation of his controlled substance privileges in Washington. He has merely shown through an affidavit submitted by counsel that he is seeking relief from the order of the Medical Disciplinary Board

in the state courts of Washington. Judge Young further found that the State Board's revocation of Respondent's state-controlled substance privileges is still in effect and has not been stayed or otherwise rendered ineffective by the courts.

Judge Young concluded that where, as here, there is no factual question, "a plenary adversary administrative proceeding involving evidence, cross examination of witnesses, etc., is not obligatory." *The United States v. Consolidated Mines and Smelting Company, Ltd.*, 455 F.2d 432, 453 (9th Cir. 1971). This Administration has consistently held that 21 U.S.C. Sec. 823(f) requires a practitioner to have authority to dispense controlled substances under the laws of the state in which he practices in order to hold the DEA registration. See *In the Matter of James Waymon Mitchell, M.D.*, Docket 79-16, 44 FR 71466 (1979); *In the Matter of David Sachs, M.D.*, Docket 77-2, 42 FR 29112 (1977) and *In the Matter of Marshall S. Tuck, M.D.*, Docket 80-28, 45 FR 85845 (1980).

The Acting Administrator adopts the findings, conclusions and recommended decision of the Administrative Law Judge as set forth above. The Acting Administrator finds that Dr. Caderao's controlled substance handling privileges have been revoked by the Washington State Medical Disciplinary Board. The Acting Administrator further finds that Respondent did not file an exception to the Administrative Law Judge's rulings and recommendation. The Acting Administrator concludes that there is no genuine issue of fact, and further concludes that Respondent's DEA registration must be revoked. It is the decision of the Acting Administrator to revoke Respondent's DEA registration. Accordingly, pursuant to the authority vested in the Attorney General by Section 824 of Title 21, U.S.C., and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby revokes DEA Certificate of Registration AC8982488, issued to Respondent Jess B. Caderao, M.D., for the reason that the Washington Medical Disciplinary Board, on May 30, 1981, revoked Respondent's controlled substance privileges in the State of Washington, thus terminating his authority to prescribe, dispense, administer or otherwise handle controlled substance in Washington.

The revocation is effective October 15, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

October 6, 1981.

[FR Doc. 81-23787 Filed 10-14-81; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities, Arts and Artifacts Indemnity Panel Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the Arts and Artifacts Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at the Columbia Plaza Building, 2401 E Street NW., Washington, DC 20506 in room 1340, from 9:00 a.m. to 5:30 p.m. on November 17, 1981.

The purpose of the meeting is to review applications for certificates of indemnity submitted to the Federal Council on the Arts and the Humanities for exhibits beginning after January 1, 1982.

Because the proposed meeting will consider commercial and financial data and because it is important to keep values of objects, methods of transportation, and security measures confidential, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 16, 1978, I have determined that the meeting would fall within exemptions (4) and (9) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 808 15th Street, NW., Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-23651 Filed 10-14-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-42]

Reports, Recommendations, Responses; Availability

• **Safety Report: Aircraft Icing Avoidance and Protection (NTSB-SR-81-1).**—In connection with this report, the Board on Sept. 24 issued these recommendations to—

Federal Coordinator for Meteorological Services and Supporting Research, National Oceanic and Atmospheric Administration: Develop instruments to measure temperature, liquid water content, drop size distribution, and altitude in the atmosphere on a real-time basis that are sufficiently economical to use on a synoptic time and grid scale (A-81-113). Use the developed instrumentation to collect icing data on a real-time basis on a synoptic grid and, in turn, develop techniques to forecast icing conditions in terms of liquid water content, drop size distribution, and temperature (A-81-114).

Federal Aviation Administration: Evaluate individual aircraft performance in icing conditions in terms of liquid water content, drop size distribution, and temperature, and establish operational limits and publish this information for pilot use (A-81-115). Review the icing criteria published in 14 CFR Part 25 in light of both recent research into aircraft ice accretion under varying conditions of liquid water content, drop size distribution, and temperature, and recent developments in both the design and use of aircraft; and expand the certification envelope to include freezing rain and mixed water droplet/ice crystal conditions, as necessary (A-81-116). Establish standardized procedures for the certification of aircraft which will approximate as closely as possible the magnitudes of liquid water content, drop size distribution, and temperature found in actual conditions, and be feasible for manufacturers to conduct within a reasonable length of time and at a reasonable cost (A-81-117). Reevaluate and clarify 14 CFR 91.209(c) and 135.227(c) to insure that the regulations are compatible with the definition of severe icing established by the Federal Coordinator for Meteorological Services and Supporting Research as published in the Airman's Information Manual (A-81-118).

• **Safety Effectiveness Evaluation: The Usefulness of Insurance Data In Highway Safety Research (NTSB-SEE-81-5).**—As a result of this evaluation, the Board on Aug. 31 forwarded these recommendations to—

Secretary of Transportation: Direct the National Highway Traffic Safety Administration and the Federal Highway Administration to meet, within a year, with the All-Industry Research Advisory Council to establish a consultative arrangement that the agencies would use for guidance in the planning and effective execution of highway and motor vehicle safety research projects

using data collected by the insurance industry (H-81-46).

All-Industry Research Advisory Council: Cooperate with the National Highway Traffic Safety Administration and the Federal Highway Administration in establishing a consultative arrangement that the agencies would use for guidance in the planning and execution of highway and motor vehicle safety research projects using data collected by the insurance industry (H-81-47).

• **Safety Recommendation Letters:** Issued Oct. 6 to—

Federal Aviation Administration: Issue an Airworthiness Directive to require immediate and periodic inspections of the main landing gear torque link apex bolts, P/N 4925624, for missing safety pins or loose apex nuts, excessive wear, lack of permanent identification, or the absence of cadmium plating and to require that if any of these conditions are detected, the bolts should be replaced with new bolts incorporating the double locking feature referenced in the Douglas Aircraft Company's All Operators Letter 9-1261 (A-81-144).

U.S. Coast Guard: Assign a high budgetary and research priority to establishment of a fully operational Vessel Traffic System (VTS) in New York Harbor at the earliest time (M-81-82). Pending activation of a fully operational VTS system for New York Harbor, and with the advice of the New York Harbor Traffic Service Advisory Committee, develop and implement a plan of action for the Captain of the Port of New York and the New York Vessel Traffic Center to coordinate traffic movements in the vicinity of ferry routes between Manhattan and Staten Island during periods of severely reduced visibility due to fog or other serious inclement weather conditions (M-81-83).

Of the above recommendations, Nos. A-81-113 through -117 are designated "Class III, Longer Term Action." The remainder are "Class II, Priority Action."

• **Responses to NTSB Recommendations:**
A-81-77, from the *Federal Aviation Administration* (Sept. 24).—FAA plans an Airworthiness Directive (AD) to make provisions of the Bell Helicopter Alert Service Bulletin mandatory and to require installation of an improved shear head release piston pin. A-81-78: Futurecraft Corporation has modified the shear head release piston pin to preclude improper operation, a requirement to be included in the AD. A-81-79: The AD also will include affected Model 206B's. Bell Models 212, 222, and 412, using a similar design to Models 206B and 206L, include scribe marks to assure correct alignment of the piston pin and provide a mechanical backup if the squib does not fire properly; FAA does not plan to require mandatory corrective action for these helicopters. Aerospatiale Models AS350D, E, and F employ a piston pin similar to that on Bell Model 206L. Air Cruiser has sent the recommended service information to Aerospatiale for issuance, so mandatory corrective action is not required for Models AS-350. The MBB-105 helicopter also uses a piston similar to the one in Bell 206L aircraft and does not have a mechanical backup

available in case of squib malfunctions. Proposed service information has been provided by Air Cruiser for inspection. FAA will monitor and will inform the West German airworthiness authority. (46 FR 40110, 8-6-81)

H-81-46 from the *Secretary, U.S. Department of Transportation* (Oct. 1).—FHWA and NHTSA plan to meet with the All-Insurance Research Advisory Council as recommended. (See above.)

M-78-61 from the *U.S. Coast Guard* (Sept. 22).—A study concerning the adequacy of flame-quenching devices has been completed. USCG is funding preparation of a film entitled "Flame Screen Arresters for Cargo Venting." (46 FR 21285, 4-9-81)

M-81-78 from the *American Bureau of Shipping* (Sept. 22).—The Load Line Certificate will be replaced on board the vessel with a certificate referencing: "NWS Dwg. No. 268973—Trim and Stability Booklet and Loading Manual—Bulk Oil Tanker S.S. CONCHO; Approved by the U.S. Coast Guard letter 16710/CONCHO Ser: 026-01 dated 23 February 1981." (46 FR 48348, 10-1-81).

P-80-56 from the *Columbia Gas of Virginia, Inc.* (Sept. 25).—Service line card records in Stanardsville, Va., have been reviewed and updated as of May 1, 1981. P-80-58: Columbia Gas conducts an extensive slide/cassette program, followed by a question and answer session. P-80-11: Columbia Gas has completed installation of a teletype and has signed a contract to extend the One-Call System (Miss Utility of Virginia) into Greene County, but the System has not been activated in the County because other participants have not signed their agreements and computer programming has been completed. (45 FR 70358, 10-23-80)

R-80-25 from *National Railroad Passenger Corporation (Amtrak)* (Sept. 30).—Automatic train stop equipment has been redesigned to provide an audible and visual alarm during both preacknowledgment and postacknowledgment to assure that the system is functioning. Installation of this equipment on Amtrak locomotives was completed Aug. 21, 1981. (46 FR 25576, 5-7-81)

• **NTSB Comments:** The Board on Sept. 10 supported U.S. Coast Guard's proposed rulemaking, "Annexes I-V to Inland Navigational Rules" (46 FR 37002, 7-16-81), to unify and consolidate the several sets of navigation rules now used on U.S. inland waters and the technical requirements proposed in the annexes. New Annex III, similar to the 72 COLREGS standards, is responsive to Board recommendation M-70-13 to amend the regulations to specify minimum performance standards for whistles on all vessels.

Note.—Single copies of Board reports are available without charge as long as limited supplies last. (Multiple copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.) Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,
Federal Register Liaison Officer.
October 2, 1981.
[FR Doc. 81-29849 Filed 10-14-81; 8:45 am]
BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-29]

Yankee Atomic Electric Co., Yankee Rowe Nuclear Power Station; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which revised the Technical Specifications for operation of the Yankee Rowe Nuclear Power Station (Yankee Rowe) (the facility) located in Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to reflect changes in the organizational structure and changes in titles.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.4(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 26, 1981, as amended by letter dated September 8, 1981, (2) Amendment No. 70 to License No. DPR-3 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301. A copy of items

(2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of September, 1981.

For the Nuclear Regulatory Commission,
Thomas V. Wambach,
Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-29359 Filed 10-14-81; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, SG 126-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Physical Protection for Transient Shipments" and is intended for Division 5, "Materials and Plant Protection." It is being developed to describe measures acceptable to the NRC staff that can be taken by the licensee to provide the physical protection for scheduled and unscheduled transient shipments required by 10 CFR Part 70.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by December 18, 1981.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 7th day of October 1981.

For the Nuclear Regulatory Commission,
Karl R. Goller,
Director, Division of Facility Operations, Office of Nuclear Regulatory Research.

[FR Doc. 81-29353 Filed 10-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 SP and 50-251 SP]

Florida Power & Light Co. (Turkey Point Nuclear Generating, Units Nos. 3 and 4); Order

October 8, 1981.

Oral argument on the pending consolidated appeals of Mark P. Oncavage will be heard at 9:30 a.m. on Wednesday November 4, 1981 in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.¹ Each side will be allotted a total of one hour for the presentation of argument. The appellant may reserve a portion of his time for rebuttal. In preparing for argument, counsel may assume that the members of this Board will be fully familiar with the decisions of the Licensing Board, as well as with the appellate positions of the parties as reflected in their briefs now on file.

Each party is to notify the Secretary to this Board by letter, mailed no later than October 27, 1981, of the name of the person who will be arguing on his or its behalf.

¹ Those appeals are from (1) the Licensing Board's May 28, 1981 memorandum and order, LBP-81-14, 13 NRC —; (2) that Board's June 19, 1981 order, LBP-81-16, 13 NRC —.

It is so ordered.

For the Appeal Board.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-29354 Filed 10-14-81; 8:45 am]

BILLING CODE 7530-01-M

[Docket Nos. 50-458-OL and 50-459-OL]

Gulf States Utilities Co. and Cajun Electric Power Cooperative; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.711, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered:

Gulf States Utilities Company and Cajun Electric Power Cooperative

River Bend Station, Units 1 and 2, Construction Permit Nos. CPPR-145 and CPPR-146.

This Board is being constituted pursuant to a notice published by the Commission on September 4, 1981, in the Federal Register (46 FR 44539-40) entitled, "Receipt of Application for Facility Operating Licenses; Consideration of Issuance of Facility Operating License; Availability of Applicants' Environmental Report; Opportunity for Hearing."

The Board is comprised of the following Administrative Judges:

B. Paul Cotter, Jr. Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dr. J. Venn Leeds, Rice University, P.O. Box 1892, Houston, Texas 77001.

Dr. Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Md., this 7th day of October 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-29355 Filed 10-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Doc. No. 50-272]

Public Service Electric & Gas Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised the Facility Operating License and Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment incorporates the requirements for implementation of the TMI-2 Lessons Learned Category "A" items. It includes the areas in the Safety Technical Specifications (Appendix A) of emergency power supply requirements, valve position indication, instrumentation for inadequate core cooling, containment isolation and auxiliary feedwater systems; and adds new license requirements for the implementation of programs to reduce leakage outside containment to accurately determine airborne iodine concentration, and to ensure the capability to accurately monitor the Reactor Coolant System subcooling margin.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 29, 1981, (2) Amendment No. 39 to License No. DPR-70, (3) the Commission's letter dated October 8, 1981, and (4) the Commission's related Safety Evaluation dated March 21, 1981. All of these items

are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 8th day of October 1981.

For the Nuclear Regulatory Commission,
Steven A. Varga,
Chief, Operating Reactor's Branch No. 1,
Division of Licensing.

[FR Doc. 81-28856 Filed 10-14-81; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET**Agency Forms Under Review****Background**

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), Extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available)

The office of the agency issuing this form

The title of the form

The agency form number, if applicable

How often the form must be filled out

Who will be required or asked to report

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected

Whether small businesses or organizations are affected

A description of the Federal budget functional category that covers the information collection

An estimate of the number of responses

An estimate of the total number of hours needed to fill out the form

An estimate of the cost of the Federal Government

An estimate of the cost to the public

The number of forms in the request for approval

An indication of whether Section 3504(h) of P.L. 96-511 applies

The name and telephone number of the person or office responsible for OMB review and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, deputy administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201.

New

- Agricultural Marketing Service
Celery Grown in Florida—M. O. 967
On occasion, annually
Farms/businesses or other institutions
Celery handlers and producers in the
production area
SIC: 515, 016
Small businesses or organizations
Agricultural research and services: 2,360
responses; 80 hours; \$500 Federal cost;
3 forms; \$272 public cost; not
applicable under 3504 (h)
Charles A. Ellett, 202-395-7340

The Florida Celery Committee forms are used by the committee to ensure that handlers are complying with the provisions of the order.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627.

New

- Bureau of the Census
1982 Census of Construction Industries
See attachmt A
Nonrecurring
Businesses or other institutions
Construction establishments
SIC: Multiple
Other advancement and regulation of
commerce: 150,000 responses; 300,000
hours; \$0 Federal cost; 9 forms; not
applicable under 3504(h)
Statistical Policy Branch 202-395-7313

The 1982 economic censuses, conducted under the provision of title 13, United States Code. Constitute the primary source of facts about the structure and functioning of a large segment of the economy, and as such, provide essential information for government, business, and the general public. They furnish an important part of the framework for the national accounts and serve as benchmarks for key economic indicators.

- Minority Business Development
Agency
Grantee Quarterly Narrative Report
Quarterly
Businesses or other institutions
MBDA grantees repre. both for prof &
non-prof bus., etc.
SIC: 739
Small Businesses or organizations
Other advancement and regulation of
commerce: 600 responses; 12,000
hours; \$40,000 Federal cost; 1 form; not
applicable under 3504(h)
William T. Adams, 202-395-4814
MBDA Grantees must submit a
quarterly narrative report with a

financial statement detailing accomplishments during the past quarter. This narrative is used to evaluate grantee performance while not duplicating the statistics of the business development report.

- Bureau of the Census
1982 Census of Mineral Industries
Nonrecurring
Businesses or other institutions
Firms operating mineral properties
SIC: Multiple
Small Businesses or Organizations
Other advancement and regulation of
commerce: 20,000 responses; 90,679
hours; \$0 Federal cost; 12 forms; not
applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

The 1982 census of mineral industries provides economic statistics on the industrial and geographic structure of the mineral industries and furnishes part of the framework for the national accounts and a benchmark for statistical programs of other government agencies.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195

New

- Departmental and Others
Federal Student Loan Disclosure and
Confirmation
On occasion
Businesses or other institutions
Approx. one in twenty of the banks, post
sec. sch., etc.
SIC: Multiple
Department of Defense-military: 8,000
responses; 3,000 hours; \$50,000 Federal
cost; 1 form; not applicable under 3504
(h)
Federal Education Data Acquisition
Council, 202-426-5030

This form is critical to implementing the loan repayment program, an enlistment incentive program authorized in sec. 902 of P.L. 96-342. Service members have enrolled in the program (re: DD-2057-2 and DD-2057-4) as early as 1 Oct 80, but as yet there is no form to collect data to verify the servicemember's eligibility or entitlement. This form accomplishing this. It will be distributed ASAP since DOD is legally liable to make disbursements as early as 1 Oct 81.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian. A. Keado—202-343-6191

New

- Bureau of Land Management
Oil and Gas Leasing—National
Petroleum Reserve—Alaska

On occasion

Businesses or other institutions
Oil and gas companies and their
affiliates

SIC: 131 132 138

Conservation and land management: 8
responses; 64 hours; \$1,000 Federal
cost; 1 form; \$88,064 public cost; not
applicable under 3504(h)
Robert Shelton, 202-395-7340

The reporting requirements are for the attorney general use in making an anti-trust review.

- Bureau of Land Management
Gas Leasing—National Petroleum
Reserve—Alaska

On occasion

Individuals or households-businesses or
other institutions

Oil and gas companies and well drilling
companies

SIC: 131 132 138

Small businesses or organizations
Conservation and land management: 76
responses; 76 hours; \$25,800 Federal
cost; 1 form; \$7,571 public cost; not
applicable under 3504(h)
Robert Shelton, 202-395-7340

The reporting requirements are for the purpose of verifying the high biddered qualification to hold Federal oil and gas leases in NPR-A.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

New

- Immigration and Naturalization
Service
Civilian Complaint Form
G-767
On occasion
Individuals or households, immig. aliens,
nonimmig. aliens, etc.
Federal law enforcement activities: 1,000
responses; 250 hours; \$9,150 Federal
cost; 1 form; \$2,500 public cost; not
applicable under 3504(h)
Andy Uscher, 202-395-4814

The director of the office of professional responsibility, Immigration and Naturalization Service, believes that a convenient method for submitting a complaint should be provided to the public, and information obtained should be used to locate improprieties in the conduct of service employees.

- Immigration and Naturalization
Service Adjustment-of-Status Data
I-643

Nonrecurring

Individuals or households

Refug at the time of appl. for adjust of
their immig., etc.

Federal law enforcement activities:

150,000 responses; 29,722 hours;
\$49,000 Federal cost; 1 form; \$297,220
public cost; not applicable under
3504(h)

Andy Uscher; 202-395-4814

Information collection as required by
Section 412(A)(8) of the Immigration and
Nationality Act added by the Refugee
Act of 1980, on the situation of refugees
at the time they become permanent
resident aliens. Primary purpose is for
use in ORR's report to Congress, as
required by law.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D.
Goodfriend—202-632-7513

New

- EEO Program
- Other—See SF83
- Businesses or other institutions
- Licensees of AM, FM and TV comm. and
non-comm. broadcast stat.

SIC: 483

Small businesses or organizations
Other advancement and regulation of
commerce: 3,197 responses; 15,985
hours; \$125,061 Federal cost; 1 form;
not applicable under 3504(h)

William T. Adams, 202-395-4814

This program provides comprehensive
and clearly-defined practices to assist
the non-exempt broadcast applicant in
developing an effective EEO program
and may be used by the licensee for self
evaluation. It also assures the
commission that equal employment
opportunity is being provided by
licensee.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda
Shiley—202-254-9515

New

- Certificate of Labor Standards
Compliance
- FEMA 85-26
- On Occasion
- State or local governments
- State and local emergency management
organizations

SIC: 919

Defense-related activities: 800
responses; 800 hours; \$400 Federal
cost; 1 form; not applicable under
3504(h)

Robert Veeder, 202-395-4814

Form is needed and used to assure
compliance by contractors and
subcontractors under FEMA project
grants with Federal labor standards
where construction costs are in excess
of \$2000.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B.
Doying—202-452-2983

Revisions

- Monthly Survey of Variable Interest
Rate Ceiling Time Deposits

FR 2042

Other—See SF83

Businesses or other institutions

Sample of insured commercial banks
and mutual savings banks

SIC: 602 603

Small businesses or organizations

General government: 5,264 responses;
3,527 hours; \$31,740 Federal cost; 1
form; \$52,905 public cost; not
applicable under 3504(h)

Irene Montie, 202-395-6880

These data are used by the Federal
Reserve Board (1) to analyze and
interpret movements in the monetary
aggregates, (2) to observe competitive
developments between banks and thrift
institutions, and (3) to help monitor the
earnings position of depository
institutions. These data provide the
Federal Reserve Board and the
Depository Institutions deregulation
committee (DIDC) with a factual basis
for appraising the effects of interest rate
ceilings and for monitoring.

- Survey of Time and Savings Deposits

FR 2296

Quarterly

Businesses or other institutions

Sample of insured commercial banks

SIC: 602

Small businesses or organizations

General Government: 2,200 responses;
7,920 hours; \$38,000 Federal cost; 1
form; \$118,800 public cost; not
applicable under 3504(h)

Irene Montie, 202-395-6880

These data are used by the Federal
Reserve Board (1) to analyze and
interpret movements in the monetary
aggregates, (2) to observe competitive
developments between banks and thrift
institutions for various classes of
deposits. These data provide the Federal
Reserve Board and the depository
institutions deregulation committee
(DIDC) with a factual basis for
appraising the effects of interest rate
ceilings and for monitoring the impact of
the gradual removal of such.

NATIONAL CREDIT UNION ADMINISTRATION

Agency Clearance Officer—Mr. Troy
Robinson—202-357-1202

Revisions

- Part 748, Minimum Security Devices
and Procedures

12 CFR 748.4

Nonrecurring

Business or other institutions

Federally insured credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance: 600
responses; 1,200 hours; \$0 Federal
costs; 2 forms; \$12,000 public cost; not
applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

Each federally insured credit union
shall develop a written security
program. The program helps protect
each credit union office from robberies,
burglaries, and larcenies, and prevent
destruction of vital records. The written
security program is reviewed for its
adequacy during the examination of the
credit union.

Extensions (Burden Change)

- Article IX Section 1

Bylaw IX1

On occasion

Businesses or other institutions

Federal credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance:
12,600 responses; 1,500 hours; \$0
Federal cost; 1 form; not applicable
under 3504(h)

Phillip T. Balazs, 202-354-4814

Number of credit committee members
must be on file at the credit union.

- Article X Section 2

Bylaw X2

On occasion

Businesses or other institutions

Federal credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance:
50,400 responses; 302,400 hours; \$0
Federal cost; 1 form; not applicable
under 3504(h)

Phillip T. Balazs, 202-395-4814

The secretary of the supervisory
committee must prepare and maintain
complete records of all actions taken by
that committee.

- 12 CFR 749.3 Vital Records To Be
Stored

12 CFR 749.3

Quarterly

Businesses or other institutions

Federal credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance:
69,812 responses, 34,906 hours, \$0
Federal cost; 1 form; \$349,060 public
cost; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

This regulation mandates the form
necessary in compiling listings of

members' share accounts and loan balances for records storage purposes. Financial and statistical reports, in a form described in the regulation, must also be prepared and stored.

- Article XIX Section 5

Bylaw XIX5

On occasion

Businesses or other instructions

Federal credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance:

12,578 responses, 1,500 hours, \$0

Federal cost; 5 forms; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

This bylaw requires an FCU to maintain on file copies of its organization certificate, its bylaws and any special NCUA board authorizations. Returns of nominations, elections and nominations of all regular or special membership, committee or board meetings shall be recorded in the credit union minutes.

- Financial and Statistical Report

NCUA—5300

Semiannually

Businesses or other institutions

Federally insured credit unions

SIC: 614

Small Businesses or organizations

Mortgage credit and thrift insurance:

34,500 responses, 17,250 hours, \$0

Federal cost; 2 forms; \$102,365 public cost; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

The semi-annual financial and statistical reports provide essential information for supervisory purposes, policy and regulatory decisions and research. Information is used to determine the impact fluctuating economic conditions on credit unions, measure the impact of national and regional economic developments, and publish semi-annual statistics measure impact of national and regional economic developments:

- Annual Statistics for state-chartered credit unions NCUA-5308

Annually

Businesses or other institutions

State-chartered credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance: 46

responses, 23 hours, \$4,000 Federal

cost; 1 form; \$135 public cost; not

applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

The annual statistics reports provide information essential to the national credit union administration and Government for policy and regulatory

decisions and research requirements.

The data is also used for analyzing trends that are essential for management and legislative purposes, and for publication of an annual report of State credit unions financial condition.

- Monthly Sample (Federal) Monthly Sample (State)

NCUA 5301 & 5303

Monthly

Businesses or other instructions

Federal and State credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance:

26,400 responses, 4,488 hours, \$0

Federal cost; 2 forms; \$25,960 public

cost; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

Credit union monthly survey provides critical financial and economic data that serves as the basis for estimating consumer savings, installment credit, growth, savings and loan flows, investments, and key operating ratios that reflect conditions within the credit union industry statistics are used to monitor the level of credit union activity and liquidity, to formulate regulatory policy, develop the agency's financial plan, and publish credit union statistics.

- Monthly Corporate Central Credit Union Report

NCUA 5310

Monthly

Businesses or other institutions

Fed. corp. credit unions and St. centrals that are mbrs, etc.

SIC: 614

Mortgage credit and thrift insurance: 276

responses, 138 hours, \$0 Federal cost;

1 form; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

Monthly report provide vital information on the corporate central Federal credit unions and State centrals, that are members agent of the central liquidity facility. Data are used to monitor conditions of individual centrals and evaluate the impact of changing economic conditions on the liquidity of the corporate central system, formulate policy and ensure compliance with regulations.

- Article VII Section 4

Bylaw VII4

On occasion

Businesses or other institutions

Federal credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance:

12,660 responses, 3,150 hours, \$0

Federal cost; 1 form; \$31,500 public

cost; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

The president must call a special meeting when requested to do so by a majority of the board of directors.

- 79-4 Investment Activities

IRPS 79-4

On occasion

Businesses or other institutions

Federal credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance:

36,620 responses, 36,620 hours, \$0

Federal cost; 5 forms; \$366,200 public

cost; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

The IRPS sets forth the extensive recordkeeping requirement and accounting requirements for FCU's engaging in investment activities.

- Confidential Administrative Credit Union Financial Report

NCUA 1125

Other—see SF83

Businesses or other institutions

Federal credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance:

33,122 responses, 16,561 hours, \$0

Federal cost; 1 form; \$165,610 public

cost; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

Submission of the form is an integral part of the agency's early training system. The form provides data which is compared with base data contained on the computer to determine if previously established tolerances and thresholds have been exceeded. If so, examiner staff is altered, to the condition through an adverse condition report and will make appropriate contact to ensure safety and soundness of the credit union's operation.

- 12 USC 1770 Allotment of Space in Federal Buildings

12 USC 1770

On occasion

Businesses or other institutions

Federal Credit Unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance: 200

responses; 400 hours; \$0 Federal cost;

1 form; \$4,000 public cost; not

applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

This statutory provision permits FCU's if 95% of its membership is comprised of either present Federal employees or those who were Federal Employees when membership was gained, to apply in writing to the appropriate Federal officer for rent-free housing in an available Federal building.

- Areas of Non-Compliance and Examiner's Comments Report (Federally-Insured State Credit Unions)

NCUA 9654

Annually

State or local governments

State financial regulatory authorities

SIC: 614

Mortgage credit and thrift insurance: 60 responses; 112 hours; \$0 Federal cost; 1 form; \$1,120 public cost; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

The statutory provision permits NCUA to examine insured State-chartered credit unions. Additionally, the statute provides that the NCUA board may accept any report by a commission, board or authority having supervision over SCUR. NCUA 9653 is completed by State authority when an SCU is not in compliance

- 703.2 Investment in Loans to Nonmember Credit Unions

12 CFR 703.2

On occasion

Businesses or other institutions

Federal credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance: 2,514 responses; 2,514 hours; \$0 Federal cost; 1 form; \$25,140 public cost; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

This regulation requires an FCU investing in loans to nonmember credit unions to obtain from the borrowing credit union and keep on file (1) a current financial and statistical report (2) a certified copy of the board resolution authorizing such borrowing and (3) a statement from the secretary of the borrowing credit union that its negotiating persons on the borrowing are authorized to do so and that the amount borrowing authority.

- 12 CFR 701.28 Joint Operations and Activities

12 CFR 701.28

On occasion

Businesses or other institutions

Federal credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance: 226 responses; 904 hours; \$0 Federal cost; 1 form; \$9,040 public cost; not applicable under 3504(h)

Phillip T. Balazs, 202-295-4814

This regulation requires an FCU, in order to share quarters with other FCU's (1) to keep on file a written contract delineating all terms and conditions and (2) to submit such agreement to NCUA regional office for approval.

Extensions (No Change)

- Article VIII Section 8

Bylaw VIII 8

On occasion

Annually

Businesses or other institutions

Federal credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance: 163,514 responses; 40,878 hours; \$0 Federal cost; 1 form; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

This bylaw requires the board secretary to prepare and maintain full and correct records of all meetings of members and the board. The secretary must also inform the NCUA board in writing of any address change of the credit union office or in the location of its principal records.

- 80-7 Consumer Programs

IRPS 80-7

On occasion

Individuals or households

Federal credit union members

Mortgage credit and thrift insurance: 1,000 responses; 1,000 hours; \$0 Federal cost; 1 form; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

All consumer complaints must be submitted to the Office of Consumer Affairs in writing in order to be officially investigated and responded to.

- 12 USC 1755 Operating Fee

NCUA 1308

Annually

Businesses or other institutions

Federal credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance: 13,000 responses; 13,000 hours; \$0 Federal cost; 1 form not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

Form to request that operating fees be sent to NCUA.

- 12 USC 701.24 Refund of Interest

12 CFR 701.24

On occasion

Businesses or other institutions

Credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance: 1,258 responses; 315 hours; \$0 Federal cost; 4 forms; \$3,150 public cost; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

The regulation requires documentation in board minutes for decisions to vary interest refund rates or to exclude certain loans from refund.

- Application and agreement for insurance of accounts

NCUA 9500

Nonrecurring

Businesses or other institutions

Federal credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance: 150 responses; 25 hours; \$0 Federal cost; 1 form; \$250 public cost; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

FCU Act requires all Federal credit unions to have insurance of member accounts. This form is completed when a group applies for a FCU charter.

- 12 CFR 701.36 FCU Ownership of Fixed Assets

12 CFR 701.36

On occasion

Businesses or other institutions

Federal credit unions

SIC: 614

Small businesses or organizations

Mortgage credit and thrift insurance: 101 responses; 808 hours; \$0 Federal cost; 1 form \$8,080 public cost; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

To NCUA concerning investments in fixed assets that exceed applicable limits and (2) keep written documentation of efforts to dispose of abandoned premises.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

Form 20-F, Consolidated Registration and Annual Report Form for Foreign Private Issuers

Sec 1852

On occasion, annually

Businesses or other institutions

FGN Corp. have listed their sec. on U.S.

Exch. or have, etc.

SIC: multiple

Small businesses or organizations

Other advancement and regulation of commerce: 120 responses; 253,200 hours; \$44,850 Federal cost; 1 form; \$11,220,000 public cost; not applicable under 3504(h)

Robert Veeder, 202-395-4814

Form 20-F elicits material information concerning the financial condition and operations of foreign private issuers. This information permits investors to make informed investment decisions.

Voluntary Survey of Privately Placed Securities (Monthly) (Family) Monthly

Businesses or other institutions.
Thirty-nine of the largest life insurance companies

SIC: 633

Other advancement and regulation of commerce: 468 responses; 468 hours; \$5,870 Federal cost; 1 form; \$18,720 public cost; not applicable under 3504(h)

Robert Veeder, 202-395-4814

The survey provides the only source of statistics on private placements with institutional purchasers. The data is used by the Commission to determine gross proceeds from primary securities offerings and by the Federal Reserve in its flow of funds accounts. As such, the data is incorporated in every major econometric model in Government and the private sector.

Regulation 13D-G (Schedules 13D and 13G) 1746 (Schedule 13D) and 1745 13G)

On occasion annually

Individuals or households/businesses or other institutions

Bene, Owners of more than five perct. of classes of vot. etc.

SIC: multiple

Small businesses or organizations

Other advancement and regulation of commerce: 3,277 responses; 48,533 hours; \$466,315 Federal cost; 2 forms; \$2,738,800 public costs; not applicable under 3504(h)

Robert Veeder, 202-395-4814

Regulation 13D-G, and related schedules 13D and 13G, are designed to provide to shareholders and the marketplace relevant information and a fair opportunity to evaluate the securities of publicly-held issuers in response to acquisitions or holdings or securities with the potential to effect or change control of such issuers.

Barbara F. Young,

Acting Chief, Reports Management Branch.

[FR Doc. 81-29704 Filed 10-14-81; 8:45 am]

BILLING CODE 3110-01-M

POSTAL SERVICE

Telecommunications Connection Arrangements for Postal Service Electronic Computer Originated Mail (E-COM) Service and Invitation for Capacity Planning Cooperation

AGENCY: Postal Service.

ACTION: Notice of telecommunications connection arrangements for E-COM service and invitation for capacity planning cooperation.

SUMMARY: This notice describes the arrangements for telecommunications connection to Electronic Computer

Originated Mail (E-COM) Serving Post Offices (SPOs) by telecommunications carriers and message processing companies. E-COM service will begin operations on January 4, 1982. The Postal Service adopted these arrangements after issuing public notice of proposed arrangements and inviting obtaining and acting upon comments from interested parties. The arrangements presented in this further notice differ significantly from those proposed in the initial notice, because the Postal Service has adopted many of the changes recommended in the comments. In this regard, the Postal Service invites further comments on these arrangements with the view toward making additional changes in the future, where appropriate. The Postal Service also invites telecommunications carriers, message processing companies, and mailers to meet individually with Postal Service representatives to assist in further planning for E-COM service.

DATES: E-COM service will begin on January 4, 1982. The Postal Service will attempt to provide the described dedicated connection access arrangements to all companies whose applications for such connections are filed by 5 p.m. (EST), November 6, 1981. Comments concerning these arrangements are invited and will be accepted at any time.

ADDRESS: Comments on these connection arrangements, requests for applications for connection, requests for copies of the *E-COM Users' Guide*, requests for planning meetings, requests for copies of comments filed by interested parties on the proposed telecommunications connection arrangements and requests for copies of the transcript of the meeting held with telecommunications carriers may be sent to: Director, Office of E-COM Operations, U.S. Postal Service, 475 L'Enfant Plaza, Washington, DC 20260-7140. Interested parties may also arrange planning meetings, request copies of the *E-COM Users' Guide*, and request an application for connection by telephoning the number set forth below.

FOR FURTHER INFORMATION CONTACT: Karen Uemoto, (202) 245-5780.

SUPPLEMENTARY INFORMATION:

E-COM Service

E-COM service, which will begin January 4, 1982, will enable mailers to receive consistent delivery of messages by the second business day throughout the United States. In E-COM service, mailers will transmit messages via telecommunications to receiving facilities at E-COM Serving Post Offices

(SPOs) throughout the forty-eight contiguous states. A list of E-COM SPOs and the three-digit ZIP Code areas served by each SPO is set forth in Appendix A.¹

There is a minimum quantity of 200 messages per transmission. The Postal Service will accumulate electronically received messages in its own computers, sort the messages in ZIP Code sequence for efficient delivery, print the messages on paper, and insert them into specially marked envelopes. Messages will then be delivered to addressees as First-Class Mail. Delivery areas near the SPOs will generally receive next business day service, while those more distant will be served the second business day.

Mailers who use E-COM service can have either a direct or indirect relationship with the Postal Service. In the direct relationship, mailers must establish an account with the Postal Service, pay a \$50 annual fee and prepay the Postal Service for the E-COM messages delivered by the Postal Service. Mailers must use the telecommunications transmission services of any carrier which offers such service to transmit messages to SPOs. The mailer will deal directly with the carrier with respect to these transmission services and pay the carrier for them. The carrier may also perform services such as protocol conversion for the mailer.

In the indirect relationship, mailers deal only with a telecommunications company that acts as an agent for E-COM service. These companies are referred to by the Postal Service as processing companies or processors. The mailer will not have an account with the Postal Service and will not separately pay the Postal Service for E-COM messages delivered. Processors will transmit mailers' messages to SPOs and may provide services such as protocol or format conversion. Processors may also accept messages from many small mailers and aggregate them in order to meet the 200 message minimum. Each processor must establish an account with the Postal Service, pay the annual fee and must prepay the Postal Service for the E-COM messages delivered by the Postal Service.

¹Some changes have been made in the ZIP Code delivery area assignments for the SPOs. Since such changes are likely to occur with some frequency because of changes in mail processing and transportation, future updates to the ZIP Code delivery area list for the SPOs will not be published in the Federal Register, but will be provided directly to E-COM customers and companies with dedicated E-COM access.

E-COM Facilities

The Postal Service E-COM facilities at each SPO include control equipment for receiving telecommunications messages from senders. The particular device that will be used for this purpose at each SPO when E-COM operations begin January 4, 1982 is the Plessey Micro-1/23L sub-system, which employs the Digital Equipment Corporation (DEC) PDP-11/23 microprocessor.

This SPO receiving equipment in turn accommodates several telecommunications interface units, each of which can include a microprocessor and associated circuitry. The interface units are implemented on circuit boards that can be plugged into the SPO telecommunications receiving equipment. The line protocols, speeds, and numbers of ports associated with each interface unit are a function of the circuit board design and programming. Each SPO can accommodate multiple circuit boards. A port is the connection point for a single user telecommunication input line at a SPO.

Interface circuit boards are provided for the following line protocols: asynchronous KSR and ASR, bisynchronous 2780 and 3780, X.25 LAP bisynchronous framing, and DEC DDCMP. The asynchronous and the binary synchronous protocols are accommodated on single circuit boards. An asynchronous board provides two ports capable of operating at 300 and 1200 bits per second. A binary synchronous board provides two ports each capable of operating at up to 9600 bits per second. Two circuit boards are required for one port using an X.25 line protocol operating at up to 9600 bits per second, or for one port using a DEC DDCMP line protocol, operating at 2400, 4800, 9600, or 56,000 bits per second.

Appendix B presents additional data on interfacing with Postal Service receiving equipment. More detailed information is given in the *E-COM Users' Guide* available upon request from the Office of E-COM Operations, U.S. Postal Service, 475 L'Enfant Plaza, Washington, D.C. 20260-7140, telephone (202) 245-5780.

E-COM Telecommunications Connection Arrangements

USPS Initial Proposal

Proposed arrangements for connection to the receiving facilities in the 25 SPOs were published in the Federal Register, 46 FR 32111-32114 (June 19, 1981), to invite interested parties to present their comments, suggestions, and recommendations to enable the Postal Service to provide telecommunications arrangements that accommodate the

diverse needs of the wide range of parties to be served by E-COM facilities. Oral comments were permitted at a conference held on June 29, 1981. Written comments were due on July 23, 1981. The time for filing written comments was subsequently extended until August 3, 1981, 46 FR 38192 (1981).

The Postal Service proposed to provide both "public" and "private" forms of telecommunications access to each SPO. For purposes of clarity, the Postal Service has decided to refer to these forms of access as dial-up and dedicated, respectively. The Postal Service would provide all of the dial-up access telecommunications equipment and services needed at each SPO to permit dial-up access, using asynchronous transmission with Bell System 212A modems or binary synchronous transmission compatible with IBM 2780 and 3780 batch-processing terminals. Dial-up access can be obtained via the transmission services of any of the numerous carriers connected to any public telephone network. The Postal Service proposed to establish a goal of providing sufficient capacity for each type of dial-up access port to ensure that no more than 5 percent of the incoming calls would find all ports busy during the busiest hour of a typical business day. The Postal Service indicated that it might schedule the use of specific ports on specific occasions, at user request.

For dedicated access, which would be available only to telecommunications carriers, the Postal Service proposed that (a) carriers provide their own modems and telecommunications circuit interface equipment, (b) the Postal Service would provide routine maintenance for the modems and interface equipment, but the carriers would be responsible for the repair or replacement of malfunctioning equipment, (c) carriers would guarantee a minimum volume of paid messages for each SPO access facility granted to them, (d) SPO facilities to accommodate carriers' interface equipment would be expanded as rapidly as possible to accommodate all carriers who seek dedicated access and who meet the specified minimum volume requirement, and (e) if SPO facilities were unavoidably scarce at some time, carriers would bid guaranteed message volumes to compete for the scarce SPO facilities.

Comments by Interested Parties

A conference was held on June 29, 1981, at Postal Service Headquarters to receive questions and oral comments from interested parties; a transcript was prepared. The conference was attended

by 61 persons representing 27 telecommunications carriers and other organizations. Written comments were received from six parties. The parties providing written comments were Byte Magazine; GTE Telenet (Telenet); Lincoln Telephone and Telegraph Company (Lincoln); Satellite Business Systems (SBS); Tymnet; and Western Union International (WUI).

The written comments directly addressed a number of key issues and provided constructive suggestions and recommendations concerning telecommunications connection arrangements. The Postal Service has adopted these suggestions and recommendations to the fullest extent feasible and has, therefore, significantly revised the arrangements proposed in the initial notice of June 19, 1981. The comments received and the Postal Service responses are discussed below. A detailed description of the telecommunications connection arrangements that the Postal Service will implement when E-COM service begins on January 4, 1982 follows the discussion.

(1) SBS asked for "assurances from the USPS that it is committed to making this cooperative effort a success," since "carriers are being asked to bear a significant part of the burden and risks imposed by the expansion of USPS operations." The Postal Service hereby reaffirms its commitment to the success of E-COM service in full cooperation with the companies which will have direct access to E-COM facilities and services.

(2) To make E-COM service easily accessible to small businesses, Byte recommended that the Postal Service accommodate the widely-used modems compatible with the Bell System 103 modem. In support of its recommendation, Byte said "many small businesses with modest data communication requirements use only type-103 modems," and "the cost of the end-user might be higher" if the Postal Service does not accommodate these modems. The Bell System 212A that will be used for SPO dial-up access ports, is compatible with the Bell System 103; thus, the Postal Service is providing modems compatible with the Bell System 103 modem.

(3) Four carriers, SBS, Telenet, Tymnet, and WUI, addressed carrier access to SPOs, particularly emphasizing dedicated access. Telenet asked the Postal Service to seek changes in the E-COM Domestic Mail Classification Schedule (DMCS) to assure that carriers subject to deregulation by the Federal

Communications Commission (FCC) under the Second Computer Inquiry Decision, 77 FCC 2d 384 (1980), would continue to be eligible for dedicated access to SPO facilities, rather than being limited to dial-up access. The Postal Service has determined that no such changes are necessary. The record underlying the E-COM classification shows clearly that the term "communications common carrier" as used in the DMCS was intended to include companies which provide computer enhancements as well as transmission service. Since the E-COM classification is authorized under the Postal Reorganization Act, not by the FCC under the Communications Act, it is not affected by the FCC's decision. The Postal Service will interpret the "communications common carrier" language of the DMCS to encompass the companies that were considered communication common carriers before the FCC's Second Computer Inquiry decision. The problem remains, however, of determining which companies offering such a service now or in the future, in addition to those deregulated under the Second Computer Inquiry decision, also come within the intended meaning of "communications common carrier."

As the FCC pointed out, there is no satisfactory way to distinguish between the kinds of computer enhancements that companies can offer, *Second Computer Inquiry*, 77 FCC 2d at 425-28. Moreover, any attempt to distinguish between companies like Telenet, which have been previously regulated by the FCC, and other companies which now or might in the future wish to provide services in the newly deregulated area could be unreasonable discrimination. Therefore, an appropriate interpretation of "communications common carrier" consistent with its intended meaning must include all companies which are in the business of transmitting messages to SPOs for others without regard to the computer services they provide or whether they are regulated by the FCC. Such an interpretation also will further the FCC's goal of increasing competition and the Postal Service's mandate to make the E-COM system as widely accessible as practicable. The Postal Service also believes that this interpretation will result in mailers' having a wider variety of services to choose from in deciding how they will submit their E-COM messages.

(4) Telenet also opposed the use of competitive bidding to allocate dedicated access facilities during periods of scarcity. Telenet felt that the need for competitive bidding resulted

from "artificial scarcity," created by the Postal Service and not warranted by valid technical reasons, pointing out that while each SPO receiving unit would contain twenty circuit card slots initially and could be readily expanded, only nine slots would be utilized initially.

SBS did not explicitly oppose competitive bidding but suggested that it should be unnecessary, if dedicated ports were made available on an expedited basis, and asked for Postal Service assurance "that it will satisfy excess common carrier demand for private ports as quickly as is technically possible." SBS also suggested that bids for scarce dedicated facilities bind carriers only until adequate facilities become available. WUI asked that ground rules for competitive bidding be made available as soon as possible. SBS, Telenet, and WUI urged the Postal Service to facilitate SPO access by multiple carriers.

Telenet's assumption that there is an artificial scarcity of ports is incorrect. The number of slots is not the only limit on the number of protocols and ports the receiving equipment can handle. For example, the capacity of the Plessey 11/23 itself limits the number of protocols it can simultaneously handle. Moreover, while the Postal Service is wholly committed to providing dedicated access, to all companies that qualify therefor and want dedicated access, it must also take care not to incur the unnecessary expenses of providing more capacity than can or will be utilized. The Postal Service has not yet had clear enough indication of demand for dedicated access upon which to plan additional capacity and thus has had to await actual requests for dedicated access before expanding capacity. Once applications for dedicated access are received, the Postal Service will provide all the necessary protocols to satisfy the requested access as promptly as they can be procured and installed.

With respect to allocating ports during periods of unavoidable scarcity, the Postal Service has decided not to use competitive bidding as a means of allocating ports. The Postal Service will, in the first instance, try to avoid shortages by providing access promptly. Following the initial start-up period, ports will be allocated on a first-come, first-served basis, according to equipment availability and capacity. The Postal Service will also accommodate shared-use arrangements requested by two or more companies seeking access on the same port(s).

With respect to the start-up period, the Postal Service will attempt to satisfy all requests for dedicated access before January 4, 1982. To the extent that all

requests cannot be satisfied by January 4, 1982, the available ports will be allocated as follows: Companies which request dedicated access to all 25 SPOs and whose proper and complete applications for access are received by the Director, Office of E-COM Operations, on or before 5 PM (EST), November 6, 1981, will be given preference. To the extent the number of these requestors exceeds the number of ports that can be provided by January 4, 1982, access will be randomly assigned, subject to equipment availability and capacity. If random selection is necessary, the affected applicants will be so notified and invited to be present when the selection is made. Each company that is chosen will have dedicated access to all 25 SPOs. Any ports remaining after the assignment of ports to "25 SPO" companies will be available to all other companies whose proper and complete applications for dedicated access were received by the Director, Office of E-COM Operations, on or before 5 PM (EST), November 6, 1981. To the extent the number of these requests exceeds the number of ports that can be provided, ports will be randomly assigned on a SPO-by-SPO basis, subject to equipment availability and capacity. If random selection is necessary, the affected applicants will be so notified and invited to be present when the selection is made. The Postal Service will accommodate shared-use arrangements proposed by requestors as a means of mitigating any shortages.

(5) SBS urged that, to facilitate carrier connection with E-COM SPOs, the minimum volume requirement for dedicated access should not be unreasonably high and should be based on market and capacity estimates for the system as implemented. SBS further urged that users of dedicated access facilities receive an E-COM message rate discount, to compensate them for the interconnection equipment that the Postal Service provides for dial-up port users.

Telenet opposed the Postal Service proposals that each carrier (a) provide, repair and replace its own dedicated access interface circuit boards and modems and (b) guarantee minimum traffic volumes in return for dedicated use of SPO facilities. Telenet argued that "the concept of one entity owning the circuit boards in a second entity's computer is unprecedented" and will cause continuing conflict over "liability and fault for outages, and maintenance responsibility." Telenet thought it "unlikely that carriers will assume the financial risks inherent in the Postal Service proposal," particularly if the

carrier must guarantee minimum volumes of E-COM message traffic. Telenet urged the Postal Service to incur the initial expense to provide dedicated access interface equipment, as the Postal Service proposes to do for dial-up access facilities arguing that so doing would reduce costs to users and eliminate problems of carrier access to SPOs for maintenance and of determining sources of trouble on the USPS side of the interface. Telenet suggested that the Postal Service could justly establish a schedule of monthly charges for such dedicated access equipment, inversely proportional to E-COM message volume.

The Postal Service acknowledges the thrust of SBS' comments on this issue and accepts the reasons put forth by Telenet as persuasive and has accordingly revised the connection arrangements. The Postal Service will acquire dedicated access interface circuit boards at Postal Service expense and will levy a monthly lease charge for the interface equipment utilized by the dedicated carrier, based on the relevant costs of the equipment. A separate lease charge is appropriate as part of the dedicated access connection arrangements between the Postal Service and the carrier because the Postal Service will be purchasing and assuming the risk of loss for specific interface equipment requested by the carrier for an E-COM entry option that will provide the carrier exclusive access at particular SPOs through that equipment. The schedule of lease charges is set forth in Appendix C. The Postal Service will consider requests from dedicated carriers who wish to provide their own interface circuit boards.

The Postal Service has also decided not to require minimum volume commitments, so as not to discourage companies from connecting. The Postal Service will not, however, provide dedicated access modems or data service units at E-COM SPOs. Such equipment is closely related to the dedicated access circuits and must be compatible with the telecommunication devices at the dedicated carrier's end of the circuit. There are also many different devices that can be used. Thus, it appears not only feasible for dedicated carriers to provide such equipment, but also more sensible. Moreover, maintenance services generally are commercially available from modem suppliers in major cities. The Postal Service will provide for routine performance and fault isolation checks at the SPOs for dedicated carriers' equipment in order to assure E-

COM service continuity, but dedicated carriers must provide for repair and replacement.

(6) Tymnet asked that facilities be established to enable carriers to test their SPO communication interfaces and suggested that technicians knowledgeable in E-COM equipment and interfaces be available at each SPO. WUI asked that the USPS provide, as quickly as possible, the "compatibility and performance requirements" and all "technical and operating details" of the proposed certification process for carrier-provided dedicated access interface equipment. WUI suggested a cut-off date for certification application by interested parties and a uniform start-up date "for the certified entities." The Postal Service decision to provide such interface equipment resolves the issues raised in these requests.

(7) WUI supported the Postal Service proposal for unrestricted sharing of dedicated access facilities. The provision remains unchanged and will be implemented.

(8) SBS commented that, "In order to support an adequate volume of E-COM messages to sustain the service and to interest high speed carriers such as SBS, the USPS should accept carrier-owned equipment capable of handling greater transmission speeds (e.g. 56 Kbps) on SPO premises." The Postal Service will accept such carrier-owned equipment and will furthermore provide dedicated access ports capable of 56 Kbps transmission speeds.

(9) SBS, Tymnet and WUI provided comments on the proposed dial-up ports. SBS and Tymnet support the Postal Service's tentative proposal for scheduled use of these ports. SBS asked that "carriers who are waiting for new private ports to be installed should be given preferential treatment with respect to access through the public ports until private ports are available" and that carriers should be allowed "to preschedule public port time before non-carrier customers." SBS argued that so doing would advance the objective of multiple carrier interconnection and provide the widest access to E-COM. Tymnet expressed interest "in scheduling a port at a predetermined time each day."

The scheduled use of dial-up ports was put forth by the Postal Service only tentatively because such use poses problems of conflicting needs of different users. No satisfactory resolution of those conflicts has been reached for the short-term. Scheduled access, therefore, will not be available when E-COM service begins. Scheduled access might be provided later if there is sufficient demand and a satisfactory

resolution of the conflicts can be reached.

WUI, seeking clarifications to enable planning for "maximum use of the E-COM offering," urged that "no entity should be barred from access" to dial-up ports, and asked "that there be no limit on the number of SPOs that can be accessed by one entity—either on a private or public basis."

The Postal Service assures that no entity meeting the E-COM user requirements set forth in the E-COM Domestic Mail Classification Schedule will be barred from using the dial-up ports. All forms of access to E-COM service will remain open to new entrants; the Postal Service will not establish a cut-off date for new entrants. Moreover, there was, and will be, no limit upon the number of SPOs that can be accessed by any entity through either dial-up or dedicated access ports.

(10) Lincoln submitted several questions about E-COM interconnection, concerning speeds of transmission, the rationale for use of the 2780 and 3780 bisynchronous protocol, and the concept of processing company. The speeds of transmission for dial-up and dedicated access ports are presented in the following paragraphs of this notice, under "Dial-up Access Facilities" and "Dedicated Access Facilities." The 2780 and 3780 bisynchronous protocol is offered because it is widely used. The processing company concept is explained in preceding passages of this notice, under "E-COM Service."

(11) SBS suggested that the Postal Rate Commission should review these connection arrangements before E-COM is offered as a permanent service. Telenet asked for a further notice and comment proceeding by the Postal Service concerning these arrangements and on the terms and conditions of carrier connection agreements. Tymnet asked for "time to review and comment on the duration, terms, and conditions of the standard contract between the carriers and the Postal Service."

Since these connection arrangements are neither "rate" nor "classification" matters within the meaning of Chapter 36 of title 39, United States Code, they do not come within the Rate Commission's jurisdiction.

(12) Lincoln, SBS Tymnet, and WUI also submitted broader comments about E-COM service which are beyond the scope of connection arrangements and, therefore, will not be addressed here.

While the Postal Service has significantly revised its initial proposal for connection arrangements in response to the comments received from

interested parties and invites comments and suggestions for improving E-COM service on a continuing basis, to provide a firm basis for E-COM users' immediate plans and decisions, the Postal Service will implement the revised arrangements set forth in this notice, for the January 4, 1982 E-COM service starting date. The terms and conditions of the connection application will be available on October 15, 1981, from the Office of E-COM Operations, Room 6736, U.S. Postal Service, 475 L'Enfant Plaza, Washington, DC 20260-7140, telephone (202) 245-5780. Comments and suggestions concerning such terms and conditions are invited.

Arrangements That USPS Will Implement

The E-COM telecommunications connection arrangements will provide two broad classes of access facilities at each SPO, dial-up and dedicated. The computer capacity for handling access to E-COM service has been divided equally between the dial-up and dedicated classes. Since access through dial-up is available to all, it was deemed prudent to allocate the present system capacity equally.

The dial-up access facilities will permit customers to connect to any SPO by means of any public telephone network, using whichever telecommunications carriers the customers choose. Dial-up access is designed to maximize access to any E-COM user. Dial-up access will provide flexibility to users who find that dedicated access is not available or not economically prudent. By having dial-up access, E-COM users will have the option of using dial-up or dedicated access or a combination of both.

Dedicated access is designed for those who wish to have exclusive access to E-COM or for those whose message volume is great enough to economically justify the use of the port.

Dial-Up Access Facilities

The Postal Service will provide all of the telecommunications equipment and services needed at each SPO to permit dial-up access via any public telephone network, including communications interface protocol hardware and software, modems, and network connections. Parties sending E-COM messages to the SPOs will be provided with the telephone numbers and transmission characteristics for each dial-up telecommunications port at each SPO.

Two telecommunications arrangements compatible with message transmission equipment that is in relatively wide use today will be

available for dial-up access at each SPO. These arrangements are:

(a) *Binary synchronous*, compatible with the IBM 2780 and 3780 terminals using EBCDIC character code sets, operating in half-duplex mode at 2400 bits per second with Bell System 201C compatible modems and at 4800 bits per second with Bell 2088 compatible modems.

(b) *Asynchronous*, using the Texas Instruments 700 series convention for data block transmission and the 96 character ASCII subset as defined by ANSI Standard X3.4-1977, currently used in a wide variety of message and data terminals, operating at 300 and 1200 bits per second full-duplex with Bell System 212A compatible modems.

The Postal Service intends to provide four ports (input lines) for binary synchronous and two ports for asynchronous dial-up access protocols at each SPO, when service begins. The Postal Service believes that these will provide sufficient dial-up access ports of each type at each SPO to assure that, during the busiest hour of a typical business day, no more than 5 percent of the incoming calls will find all ports of that type busy. The Postal Service may not, however, be able to meet this goal when service commences. It intends to add more dial-up ports as demand requires. Such ports will be added as they can be procured and installed.

Dedicated Access Facilities

Companies which transmit messages or data for others are permitted to obtain and use E-COM dedicated access facilities. Such parties are termed "dedicated carriers." Dedicated carriers may obtain direct dedicated access to the message-related telecommunications controllers at the SPOs under the following conditions:

(a) The Postal Service will provide and maintain the telecommunications interface circuit boards.

(b) The dedicated carriers will be assessed a monthly lease charge for use of the interface equipment provided by the Postal Service. The schedule of lease charges is set forth in Appendix C. The minimum lease period will be one year and, thereafter, users may cancel upon 30-days written notice to the Postal Service.

(c) Four telecommunications arrangements, compatible with message transmission equipment that is in relatively wide use today, will be provided for dedicated access. These are:

(1) Packet switched X.25, with LAP data link protocol, binary synchronous framing using the ASCII character set,

and full-duplex operations at 2400, 4800 or 9600 bits per second.

(2) DEC (Digital Equipment Corporation) DDCMP serial synchronous byte oriented line protocol, using the ASCII character set, with full-duplex operation at 2400, 4800, 9600 or 56,000 bits per second.

(3) Binary synchronous, compatible with the IBM 2780 and 3780 terminals using EBCDIC character code sets, operating in half-duplex mode at 2400 bits per second with Bell System 201C compatible modems and at 4800 bits per second with Bell System 208B compatible modems, and at 9600 bits per second with Bell System 209A compatible modems.

(4) Asynchronous, using the Texas Instruments 700 series convention for data block transmission and the 96 character ASCII subset as defined by ANSI Standard X3.4-1977, currently used in a wide variety of message and data terminals, operating at 300 and 1200 bits per second full-duplex with Bell System 212A compatible modems.

The Postal Service will consider providing additional arrangements as necessary and feasible.

(d) Dedicated carriers must provide and maintain their own private telecommunication circuits and related equipment including modems or data service units for each SPO accessed.

(e) The Postal Service will consider requests to accommodate user-provided interface circuit boards. The private equipment provided for this purpose by the dedicated carriers must be approved by the Postal Service so that the equipment meets the necessary compatibility and performance requirements.

(f) The Postal Service will provide for routine performance and fault isolation checks on the dedicated carriers' equipment located at E-COM SPOs, to sustain overall E-COM system integrity. The dedicated carrier, however, will be responsible for the repair or replacement of malfunctioning equipment.

(g) Each dedicated carrier will choose the SPOs at which it desires to obtain dedicated access.

(h) Dedicated carriers may sell to others, or share with them, the use of dedicated access equipment and facilities, leased from the Postal Service, provided that such sale or shared use does not adversely affect Postal Service equipment or other users of E-COM service. The Postal Service will accommodate shared-use and sale arrangements requested by dedicated carriers.

During the start-up period, each SPO will be able to handle up to 6 ports, depending upon the specific protocols requested by dedicated carriers. Any carrier which does not receive dedicated access may use dial-up access until additional dedicated access capacity is provided.

The E-COM facilities, at some times, may be insufficient to accommodate immediately all requests for dedicated access. The Postal Service will at all times make every reasonable effort to provide dedicated access to E-COM facilities promptly for all requestors who meet Postal Service conditions. For planning purposes, interested parties should expect that about 6 months lead time would be required, for capital appropriation and equipment fabrication, procurement, installation, and checkout, to provide additional E-COM SPO capacity for dedicated access. As users gain experience in E-COM markets, the Postal Service will become better able to plan for longer range needs and provide capital facilities in a manner that is both timely and efficient.

Except as explained below with respect to temporary shortages at start-up time, dedicated access will be handled on a first-come, first-served basis, subject to the availability and capacity of equipment. If there is equipment available to satisfy a request, a requestor will be permitted to connect even though a prior requestor has not been able to connect because of a lack of necessary equipment, e.g., a particular protocol circuit board. As a means of mitigating shortages or helping hold down expenses, the Postal Service will accommodate shared-use arrangements.

With respect to the start-up period, the Postal Service will attempt to provide dedicated access on January 4, 1982, to all companies whose applications for such access are received by the Director, Office of E-COM Operations, on or before 5 PM (EST), November 6, 1981. In any event, the Postal Service will provide dedicated access as soon as it can. If the Postal Service cannot provide such access to all requestors on January 4, 1982, requests will be granted as follows:

1. The Postal Service will grant dedicated access to companies which want access to all 25 SPOs and whose proper and complete applications were received before 5 PM (EST), November 6, 1981, before considering other requests. To the extent the number of these requestors exceeds the number of ports that can be provided by January 4, 1982, dedicated access will be randomly

assigned, subject to equipment availability and capacity. If random selection is necessary, the affected applicants will be so notified and invited to be present when the selection is made. Each company that is chosen will be given dedicated access to all 25 SPOs. The Postal Service will encourage companies to arrange for the shared-use of the scarce equipment as an alternative to random selection.

2. After all the requests for access to 25 SPOs that can be granted have been granted, any remaining ports will be awarded, subject to the availability and capacity of equipment, to companies which want access to fewer than 25 SPOs and whose proper and complete applications were received by the Director, Office of E-COM Operations, on or before 5 PM (EST), November 6, 1981. Requests will be granted on a SPO-by-SPO basis. At each SPO all requests that can be granted at that SPO without creating a conflict will be granted, and the conflicting requests will be resolved by random selection. If random selection is necessary, the affected applicants will be so notified and invited to be present when the selection is made. The company or companies chosen at one SPO for dedicated access will not have priority access to any other SPO, except insofar as it or they may be randomly selected for access to such other SPO. The Postal Service will encourage companies to arrange shared-use of scarce equipment as an alternative to random selection.

3. Each dedicated carrier is limited to one dedicated access port (input line) at each SPO until all initial requests for ports have been granted.

4. Subject to the availability and capacity of equipment and the satisfying of the prior applications of requestors who were not selected to receive priority access, requests received by the Director, Office of E-COM Operations, after 5 PM (EST), November 6, 1981, will be granted on a first-come, first-served basis.

Applications for dedicated access will be available October 15, 1981, and will include the terms and conditions of the standard contract between dedicated carriers and the Postal Service. Requests for applications may be submitted at any time. Applications will be available from, and requests must be submitted to, the Office of E-COM Operations, Room 6736, U.S. Postal Service, 475 L'Enfant Plaza, Washington, DC 20260-7140, telephone (202) 245-5780. Duly executed and submitted applications will constitute firm binding orders for E-COM dedicated access.

Invitation for Joint Planning

The Postal Service invites prospective E-COM mailers, carriers, and processors to meet with Postal Service representatives for cooperative planning to provide adequate capacity for user needs. Users may arrange such meetings by contacting the Director, Office of E-COM Operations, U.S. Postal Service, 475 L'Enfant Plaza, Washington, DC 20260-7140, telephone (202) 245-5780.

Users are invited to present their respective needs for dial-up and dedicated access protocols and speeds, and their foreseeable message volumes for each SPO to which they expect to send E-COM messages. The Postal Service will preserve the confidentiality and proprietary nature of all user provided data.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

APPENDIX A.—SPO LOCATIONS AND SERVICE AREA (STATES AND ZIP CODES)

| SPO location | Service area (States and ZIP codes) |
|-----------------------------|---|
| Northeast Region (2) | |
| 1. Boston, MA | Massachusetts (010-027), Rhode Island (028-029), New Hampshire (030-039), Maine (040-049), Vermont (050-059), Connecticut (060-067). |
| 2. New York, NY | Puerto Rico and Virgin Islands (006-009), Connecticut (060-069), New Jersey (070-079, 080-089), New York (004-009, 090-099, 100-129). |
| Eastern Region (4) | |
| 3. Philadelphia, PA | New Jersey (080-087), Pennsylvania (169-196), Delaware (197-199). |
| 4. Washington, DC | Washington, DC (200, 202-205), Maryland (206-212, 214-219), Virginia (220-223, 226-227), West Virginia (254-267). |
| 5. Pittsburgh, PA | New York (130-149), Ohio (439), Pennsylvania (150-160), West Virginia (250-253, 255-266, 268). |
| 6. Richmond, VA | Virginia (224-225, 228-245), West Virginia (246-249). |
| Southern Region (7) | |
| 7. Charlotte, NC | North Carolina (270-289), South Carolina (290-297). |
| 8. Atlanta, GA | South Carolina (298-299), Georgia (300-308), (308-319), Alabama (350-352, 354-355, 359-364, 367-368). |
| 9. Nashville, TN | Georgia (307), Alabama (350-358), Tennessee (370-386), Mississippi (388), Kentucky (420-422), Arkansas (723). |
| 10. Orlando, FL | Florida (320, 322-331, 333-340). |
| 11. Dallas, TX | Arkansas (718-722, 724-729), Oklahoma (730-731, 734-738, 740-741, 743-749), Texas (750-787, 790-794). |
| 12. San Antonio, TX | Texas (733, 768-789, 795-799). |
| 13. New Orleans, LA | Alabama (365-366, 369), Mississippi (387, 389-397), Louisiana (700-701, 703-708, 710-714). |

APPENDIX A.—SPO LOCATIONS AND SERVICE AREA (STATES AND ZIP CODES)—Continued

| SPO location | Service area (States and ZIP codes) |
|----------------------------|--|
| Central Region (7). | |
| 14. Cincinnati, OH..... | Kentucky (400-418, 423-427), Ohio (430-433, 437-438, 440-459), Indiana (470, 471). |
| 15. Chicago, IL..... | Indiana (460-469, 472-479), Illinois (600-606, 609-611, 613-69). |
| 16. Detroit, MI..... | Ohio (434-436), Michigan (480-482, 484-497). |
| 17. Milwaukee, WI..... | Michigan (498-499), Wisconsin (530-532, 534-535, 537-539, 541-545, 549). |
| 18. Minneapolis, MN..... | Wisconsin (540, 546-548), Minnesota (550-551, 553-554, 558-567), South Dakota (570-577), North Dakota (580-588). |
| 19. Kansas City, MO..... | Iowa (500-508, 510-516, 520-528), Illinois (612), Missouri (640-641, 644-649, 653, 656-659), Kansas (660-662, 664-679), Nebraska (680-681, 683-693), Oklahoma (739). |
| 20. St. Louis, MO..... | Illinois (620, 622-629), Missouri (630-631, 633-639, 650-652, 654-655). |
| Western Region (5) | |
| 21..Denver, CO..... | Colorado (800-816), Wyoming (820, 822-831), Utah (840-847), New Mexico (870-875, 877-884), Nevada (893, 898). |
| 22. Phoenix, AZ..... | Arizona (850, 852-853, 855-857, 859-860, 863-865), Nevada (890-891). |
| 23..Seattle, WA..... | Montana (590-599), Wyoming (821), Idaho (832-838), Oregon (970-979), Washington (980-994), Alaska (995-999). |
| 24. San Francisco, CA..... | Nevada (894, 895, 897), California (938-941, 943-966), Hawaii (967-969). |
| 25. Los Angeles, CA..... | California (900, 902-908, 910-918, 920-928, 930-935). |

Appendix B.—E-COM Telecommunications Data and Interface Requirements

Introduction

The E-COM (Electronic Computer Originated Mail) system being developed by the United States Postal Service and scheduled for operation in January, 1982, will accept mail submitted by authorized customers by electrical transmission over communications lines. Initially, the Postal Service will support a set of four standardized data communications protocols. These protocols are supplemented by standard data format requirements to assure data integrity, standard transmission procedures, and economical, accountable and secure entry of large mail batches.

A brief description of these procedures is provided in this appendix. Implementation level details will be provided to interested users as needed.

User Data Formats and Data Submission Requirements

A group of messages may be submitted via telecommunications. A given transmission may be in either

ASCII code or EBCDIC code but must be entirely in one or the other.

The order of blocks in submission must be:

- E-COM GROUP LABEL
- MESSAGE BLOCKS

(Any number of messages, in any mix of message types each message consisting of the combination of header, text control, text and address blocks.)

- E-COM END BLOCK

The *E-COM Group Label* provides the following information:

- Type of character code
- Customer ID
- Transmission group ID
- Postage estimate
- Common carrier ID
- Return address

The *Message Blocks* provide the data necessary to print the complete letters. The exact format varies by letter type. The following data blocks are used as appropriate:

- E-COM Message Header—SAM (Single Address Message)
- E-COM Message Header—TIM (Text Insertion Message)
- E-COM Message Header—COT (Common Text Message)
- Text Control Block
- Text Block
- Address Block

The *E-COM End Block* consists of four bytes of data (SEND) to establish the end point of the submission.

A byte level description of these formats appears in the *E-COM Users' Guide*.

Transmission Control Procedures

To provide increased accountability for customer submissions, the E-COM system requires that additional procedures be followed independent of a particular data communications protocol. Accordingly, once a physical connection and data link are established with the E-COM system, the customer must initiate a transmission session by entering a predetermined character sequence. The E-COM system will then prompt for a log-on sequence which, when entered and successfully verified, results in an E-COM identification and go ahead message being returned. The submission formatted according to E-COM standards may now be entered. When the submission is complete, the customer must terminate the session by entering a predetermined character sequence. The E-COM system will then return a message indicating that the submission has been accepted and filed for subsequent processing. The data link and connection is then automatically terminated.

Description of these control procedures appears in the *E-COM Users' Guide*.

Transmission Protocols

The E-COM system accepts data transmitted using the following protocols: (1) X.25, (2) IBM 2780/3780, (3) asynchronous, and (4) DEC DDCMP.

X.25 protocol support allows customer and E-COM equipment to be interconnected by networks using X.25 standards. On the E-COM side of the network, the electrical interface standard (level 1) is RS-232C and the data link protocol (level 2) is LAP with BISYNC framing. Line characteristics include full-duplex mode, ASCII code, and 2400, 4800, or 9600 BPS.

IBM 2780/3780 protocol support allows dial-up connections with IBM 2780, 3780, and compatible terminals using EBCDIC line code. The operating mode is half-duplex transmission at either 2400 BPS with Bell 201C compatible modem or 4800 BPS with Bell 208B compatible modem.

Asynchronous protocol support allows dial-up connections with terminals possessing characteristics compatible with a TTY KSR or ASR capable of properly responding to XON and XOFF control characters. Line characteristics include full-duplex mode, ASCII code, and 300 and 1200 BPS with Bell 212A compatible modem. The devices above must transmit from an on-line storage medium (e.g., disk or tape) rather than from a keyboard.

DEC (Digital Equipment Corporation) DDCMP protocol support allows dedicated line connections with compatible devices using ASCII code and operating in full-duplex mode at 2400, 4800, 9600 or 56,000 BPS.

Multiple Mailer Submissions

Letters from several mailers can be merged into a single transmission provided that the combined group:

- Has a single group header
- Uses a single character code
- Is billed to a single user
- Has a single E-COM End Block
- And that message identification numbers for the merged transmission are arranged in increasing order without duplication.

Description of USPS Termination Equipment

E-COM line termination equipment consists of one or more Protocol Device Units (PDU) unique to each supported protocol. It is designed to be compatible with Bell modems and with a DEC PDP 11/23 UNIBUS. The plug-in cards are of two types. The first is the standard DEC

DMC-11 for the DDCMP protocol. The second type of card is for the remaining three protocols and has the following characteristics:

- Zilog Z80 based product with 4MHZ clock
- 4K bytes of static RAM
- 16K bytes of user PROM
- 1K byte system maintenance ROM
- Memory expansion to 1M byte
- Two full-duplex serial I/O port with modem control
- Three DMA channels
- Z80 bus for memory and I/O expansion
- Unibus compatible 1 Unit load—mounts in HEX SPC unibus slot
- Unibus DMA (NPR) operation
- Unibus addressable control/status/data registers
- Software controller interrupt vector
- Down-line loadable from host PDP-11
- Mechanical Characteristics
- 1 double height HEX board
- 1 HEX SPC slot in Unibus PDP-11 backplane
- Power consumption—6 amps @ 5V; .35 amps @ +15V; .25 amps @ -15V; Temp. +5 to +50°C-10 to 95% RH

The HEX card connectors A through F are compatible with DEC standards as described in the PDP-11 BUS handbook for connectors A and B and the DEC PDP-11/44 system technical manual for connectors C, D, E, and F.

The proms contain X.25, 3780/2780, or asynchronous code compatible with the 11/23 host driver and applications code. In the case of X.25, a memory expansion card is required.

Certification

Prior to initial entry into the E-COM system the customer interface equipment and procedures must be certified by successfully passing valid telecommunications traffic to the USPS Test and Development facility. This facility is equipped to provide an analysis of the test submission to assure trouble free use of the E-COM system after certification is obtained.

APPENDIX C.—LEASE CHARGES FOR E-COM DEDICATED ACCESS PORTS

| | 2780/3780 | Protocol type | | DDCMP |
|------------------------------|-----------|---------------|--------------|-------|
| | | X.25 | Asynchronous | |
| Monthly charge per port..... | \$194 | \$412 | \$138 | \$102 |

[FR Doc. 81-29878 Filed 10-14-81; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22225; 70-6644]

Arkansas Power & Light Co.; Proposed Financing of Nuclear Fuel by Means of a Leasing Arrangement

October 8, 1981.

Arkansas Power & Light Company ("Arkansas"), First National Building, Little Rock, Arkansas 72203, an electric utility subsidiary company of Middle South Utilities, Inc. a registered holding company, has filed an application with this Commission pursuant to Sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act").

Arkansas is currently leasing the Nuclear Fuel, including facilities incident to its use ("Nuclear Fuel"), required for both Units at its Arkansas Nuclear One Generating Station ("ANO") from Russell Energy, Inc. ("Russell"), pursuant to Commission authorization (File No. 70-6544). At August 3, 1981, \$126,177,425 of Nuclear Fuel was subject to that lease. In order to diversify its leasing arrangements, Arkansas now proposes to enter into a lease with Ozark Fuel Corporation, a nonassociated Delaware corporation ("Fuel Company"), of the Nuclear Fuel required for the generation of electric energy by Unit No. 2 of ANO. The Fuel Company will acquire from Russell, or from Arkansas following its acquisition from Russell, the Nuclear Fuel presently owned by Russell which will be used for Unit No. 2 of ANO. After such acquisition, Russell will reduce from \$130,000,000 to \$75,000,000 the amount of the commitment of Bank of America National Trust & Savings Association ("B of A") under a Credit Agreement between Russell and B of A, under which Russell obtains funds to acquire Nuclear Fuel for leasing. The fuel leased from Russell will be the fuel required for Unit No. 1 at ANO.

Upon the consummation of the proposed transaction, the maximum commitment of Russell and the Fuel Company to make payment for Nuclear Fuel for ANO will be \$148,000,000. The amount of Russell's current commitment is \$129,000,000. Arkansas has determined that the \$129,000,000 commitment is insufficient to provide for the total cost of Nuclear Fuel for ANO. The maximum commitment of the Fuel Company to make payments for Nuclear Fuel will be \$74,000,000 at any one time outstanding. The term of the Lease with Fuel Company will be through September 1, 1984; on September 1, 1982 and on each succeeding September 1, the remainder of the term will automatically be extended for an

additional year, either party gives prior written notice of termination. In any event, the Lease will terminate no later than September 1, 2018. Arkansas may terminate the Lease at any time. The Fuel Company may terminate the Lease under certain circumstances. Arkansas has been advised that, based on certain assumptions, the net effective annual interest cost to the Fuel Company would range from 18.89% to 23.01%. Under the terms of the Lease the amount of the quarterly lease payments by Arkansas will be measured by, among other things, the amount of costs incurred by the Fuel Company in connection with its acquisition, ownership, and processing of the Nuclear Fuel.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 4, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-29810 Filed 10-14-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22226; 70-6047]

Middle South Utilities, Inc.; Proposal to Extend Period During Which Common Stock May Be Issued and Sold to Trustee Under an Employee Stock Ownership Plan

October 8, 1981.

Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

By orders dated September 20, 1977, January 30, 1979, and June 25, 1980, in this proceeding (HCAR Nos. 20183, 20904, and 21641), Middle South was authorized to make available, issue, and sell, for acquisition by First National Bank of Commerce, New Orleans, Louisiana, as Trustee ("Trustee") under the Employee Stock Ownership Plan of Middle South Utilities, Inc. and Subsidiaries ("Plan"), directly from Middle South, through January 31, 1982, up to 300,000 authorized but unissued shares of its Common Stock, \$5 par value ("Additional Stock"). Middle South now proposed to extend the period from January 31, 1982, to December 31, 1983, during which Middle South may offer, issue, and sell the Additional Stock directly to the Trustee under the Plan. Middle South currently estimates that the balance of the Additional Stock remaining unissued as of September 24, 1981, namely 69,114 shares, should be sufficient, based upon the recent market value of its common stock and Middle South's current tax position, to satisfy the requirements of the Plan through December 31, 1983. The proceeds derived by Middle South through the issuance and sale of the balance of the Additional Stock will be applied toward the reduction of the then outstanding bank loans and for other corporate purposes.

The application-declaration, as now amended, and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 3, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-29341 Filed 10-14-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22224; 70-5750]

New England Electric System; Proposed Extension of Time To Issue and Sell Short-Term Notes to Banks

October 8, 1981.

New England Electric System ("NEES"), 25 Research Drive, Westborough, Massachusetts 01581; a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act").

By orders in this proceeding dated December 1, 1975, May 23, 1977, December 18, 1978, December 6, 1979, and November 5, 1980 (HCAR Nos. 19272, 20047, 20834, 21330, and 21776), NEES was authorized to issue and sell short-term notes to banks through December 31, 1981, in an aggregate amount not to exceed \$50,000,000 outstanding at any one time. NEES now proposes that such borrowing authority be extended through December 31, 1982.

The application-declaration, as now amended, and any further amendments thereof are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 9, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as now amended or as it may be further amended, may be

granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-29342 Filed 10-14-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

1979 Toyota Hi-Lux Change in Public Proceeding

On September 10, 1981, the National Highway Traffic Safety Administration issued a notice for publication in the Federal Register (46 FR 45237) that a public proceeding would be held on October 15, 1981, regarding its initial determination of the existence of safety-related defects in 1979 Toyota Hi-Lux pickup trucks. The purpose of the proceeding was to allow Toyota to present data, views and arguments to establish that the alleged defects in the 1979 Toyota pickup trucks do not exist or are not safety-related. Interested persons were invited to participate.

The public proceeding announced in the notice of September 10, has been rescheduled and will now take place on Monday, October 26, 1981, at 10:00 a.m. in Room 8236 of the Department of Transportation Building, 400 Seventh Street, SW, Washington, D.C. 20590.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Ms. Joyce Tannahill (202 426-2850) before close of business on October 19, 1981.

The agency's investigative file in the matter is available for public inspection during working hours (7:45 a.m. to 4:15 p.m.) in the Technical Reference Library, Room 5108, 400 Seventh Street, SW, Washington, D.C. 20590.

(Sec. 152, Pub. L. 93-492, Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on October 7, 1981.

Lynn L. Bradford,
Associate Administrator for Enforcement.

[FR Doc. 81-29302 Filed 10-09-81; 12:52 pm]
BILLING CODE 4910-59-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 199

Thursday, October 15, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMISSION ON CIVIL RIGHTS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 50185.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 5 p.m., Wednesday, October 14, 1981, 9:30 p.m.

CHANGES IN THE MEETING:

STATUS: Portion of meeting from 9:30 a.m. to 12 noon closed to public.

MATTERS TO BE CONSIDERED: Discussion of Internal Agency Personnel Matters.

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division (202) 254-6697.

[S-1556-81 Filed 10-13-81; 3:52 pm]

BILLING CODE 6335-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

Five organizations will participate in the Commission's open *en banc* meeting on October 14. The meeting will be held from 9 a.m. to 12 noon in the Commission meeting room (856), 1919 M Street NW., Washington, D.C. (See Public Notice dated September 15, 1981.)

Participants and the times and topics of their presentations are:

9-10 a.m.

Association of Independent Television Stations: On the service independent stations provide to the public, their programming, competitive roles, operations and position within the television industry

10-10:30 a.m.

National Black Media Coalition: Covering minority ownership and employment

10:30-11 a.m.

National League of Families of American Prisoners and Missing in Southeast Asia: Update on prisoners of war and persons missing in action in Southeast Asia, and the need for increased interest within the broadcast industry

11-11:30 a.m.

National Citizens Committee for Broadcasting: On the goals of the citizen and media access movement

11:30-Noon

Los Angeles, Calif., County Sheriff's Department: On the Department's petition for use of UHF-TV frequencies for land mobile with block allocation for public safety agencies, and the impact of direct broadcast satellites on terrestrial public safety systems and operations

This meeting is the first in a series to be held under a recently reinstituted FCC policy. The *en banc* meetings are intended to enable interested persons to directly address the Commission on a variety of communications policy issues and to contribute to FCC decision-making. Dates and deadlines for future meetings will be announced in the future.

Issued: October 9, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1554-81 Filed 10-13-81; 1:46 pm]

BILLING CODE 6712-01-M

3

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, October 20, 1981 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Litigation. Audits. Personnel.

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S 1555-81 Filed 10-13-81; 1:46 pm]

BILLING CODE 6715-01-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

October 7, 1981.

TIME AND DATE: 10 a.m., Wednesday, October 14, 1981.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Mid-Continent Coal & Coke Company, DENV 76-83-P, etc., IBMA 77-14. (Issues include whether violations of 30 CFR 75.308 occurred.)

2. Inland Steel Coal Company, VINC 77-164, IBMA 77-66. (Issues include whether under 30 CFR 75.1712-1 the operator was required to provide bathing facilities for construction workers.)

3. Alabama By-Products Corporation, BARB 76-153, IBMA 76-114. (Issues include whether violation of 30 CFR 75.1725 occurred.)

4. Kerr-McGee Corporation, CENT 79-150-M. (Issues include whether violation of 30 CFR 57.1505 occurred.)

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen, 202-653-5632.

[S 1557-81 Filed 10-13-81; 3:50 pm]

BILLING CODE 6920-12-M

U.S. DEPT. OF THE TREASURY

Thursday
October 15, 1981

Part II

**Department of the
Treasury**

Comptroller of the Currency

Customs Service

Internal Revenue Service

Bureau of Alcohol, Tobacco and Firearms

Office of the Secretary

**Bureau of Government Financial
Operations**

Regulatory Agenda

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Ch. 1

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Semiannual Agenda.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (Office) has prepared this agenda of its rules and regulations currently under review and scheduled for review. Also included is a list of regulatory actions taken since the publication of the Office's previous agenda on April 15, 1981 (46 FR 22112).

FOR FURTHER INFORMATION CONTACT:

For additional information about a regulation contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: This agenda is organized as follows. Section A presents new rules and regulations under consideration; Section B lists currently-effective rules under review; Section C lists existing rules scheduled to be reviewed in the next six months; and Section D presents a summary of recent Office regulatory actions.

The Office has determined that none of the entries in Section A or B requires a regulatory flexibility analysis; those entries either have been determined not to have a "significant impact on a substantial number of small entities", are interpretive rulings, or were the subject of a Notice of Proposed Rulemaking prior to December 31, 1980. Such items are not subject to the provisions of the Act. Additionally, none of the rules is a "major" rule as defined by Executive Order 12291. EO 12291 defines a "major" rule to be one "likely to result in:

- (1) An annual effect on the economy of \$100M or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets."

Dated: October 8, 1981.

Charles E. Lord,
Acting Comptroller of the Currency.

SECTION A: NEW RULES UNDER DEVELOPMENT

12 CFR Part 30—Real Estate Loans; Due-on-Sale Clauses

Legal Authority: 12 U.S.C. 1 *et seq.*; 12 U.S.C. 93a; 12 U.S.C. 371 (g).

On September 23, 1981, the Office issued for comment a proposed regulation which would validate the inclusion of due-on-sale clauses in real estate loans made by national banks and make such loans fully enforceable (46 FR 46964).

A growing number of states, currently approaching 20, have laws limiting the enforceability of due-on-sale clauses. These laws, in the form of judicial decisions or statutes, generally provide that enforcement of the clauses will be allowed only where the lender can demonstrate that its security is impaired by the transfer of the property. The proposed regulation is intended to make fixed-rate mortgage loans more viable financing vehicles for national banks by according them the opportunity to invest at market rates of interest funds they reasonably expected would be available, given the average turnover rate for real property. Comments will be received until November 23, 1981.

For further information, contact Jonathan Fiechter, Director, Banking Research and Economic Analysis Division, (202) 447-1914, or Andrew Levinson, Senior Attorney, Legal Advisory Services Division, (202) 447-1880.

SECTION B: EXISTING REGULATIONS UNDER REVIEW

12 CFR Part 1—Investment Securities Regulation

Legal Authority: 12 U.S.C. 1 *et seq.*; 12 U.S.C. 24.

On December 16, 1979, the Comptroller announced that individual rulings under this regulation over the last seventeen years would be reviewed for the purpose of developing a general set of principles with respect to decisions concerning a national bank's ability to purchase, deal in underwrite, or hold securities (44 FR 76263). The purpose of this project is to decrease the need for individual banks to seek specific rulings and to decrease the need for attorneys to provide individual banks with detailed legal research. A notice of proposed rulemaking detailing these principles was issued February 19, 1981 (46 FR 12978); the comment period expired April 20, 1981. A final rule is expected to be published shortly.

For further information, contact Radcliffe Park, Assistant Director, or Raija Bettauer, Attorney, Legal Advisory Services Division. Telephone (202) 447-1880.

12 CFR Part 5—Rules, Policies, and Procedures for Corporate Activities

Legal Authority: 12 U.S.C. 1 *et seq.*

The Office is currently engaged in a comprehensive review of its rules, policies, and procedures governing corporate activities. Several revisions of those regulations have already been issued. However, several other amendments are still under review. These include the Office's policies and procedures concerning:

- Mergers
- Appraisal rights
- Stock plans
- Title changes.

Most recently, the Office proposed amendments (46 FR 38925) to its policy statements and rules concerning applications to establish domestic branches, seasonal agencies, and customer-bank communication terminals (CBCT's), as well as applications to change the location of head offices, domestic branches, and CBCT's.

Significant streamlining was achieved in all of these areas. Consistent with the policy already enunciated in other revisions, these proposed policies announce a reduced Office concern with economic and competitive information and an increased willingness to let the applicants judge the marketplace and business opportunities. Comments received during the public comment period ending September 28, 1981, are now under review.

For further information, contact Patrick M. Frawley, Deputy Director, Bank Organization and Structure Division. Telephone (202) 447-1184.

12 CFR Part 7: Interpretive Rulings

Definition of capital (7.1100)

Legal Authority: 12 U.S.C. 84.

The amount of a bank's defined capital affects the maximum which it may lend to a single entity or group of related entities, the amount of investment securities of a single issuer it may hold, other investment limits, borrowings, and branching capabilities. The Office is reviewing this ruling to make it reflect more accurately current banking practices. A notice of proposed rulemaking was issued on July 24, 1980 (45 FR 49276), to which more than 800 comment letters were received.

After lengthy analysis, the Office issued a revised proposal on August 10, 1981 (46 FR 40520), that would redefine

capital to include 100 percent of the reserve for loan losses. Mandatory convertible instruments would be included for the first time, and an amortization schedule would be applied to determine when limited life preferred stock and subordinated notes and debentures are to be included. In addition, a policy statement was proposed, setting out an analytical framework by which the Office would evaluate a bank's capital for purposes of capital adequacy. The public comment period closed October 9, 1981.

For further information, contact Robert B. Norris, National Bank Examiner. Telephone (202) 447-1788.

Other real estate owned (7.3025)

Legal Authority: 12 U.S.C. 29.

The Office is revising this ruling to take advantage of the new flexibility provided under the Depository Institutions Deregulation and Monetary Control Act (Pub. L. 96-221) by granting national banks greater leeway in the disposition of "other real estate". In addition, a proposal is being developed to establish for this ruling a uniform definition of "real estate" that all national banks could use. Currently, state law applies.

For further information, contact Alan Priest, Attorney, Legal Advisory Services Division. Telephone (202) 447-1880.

Data processing services (7.3500)

Legal Authority: 12 U.S.C. 24(7).

On June 16, 1980, the Office issued an advance notice of proposed rulemaking soliciting comments on the extent to which this ruling accommodates national bank data processing activity in the face of recent major technological advances (45 FR 40613). Information about the current level of national bank involvement in data processing was sought from equipment manufacturers and users, suppliers of data processing services, banks, and the general public. A proposed revision of this ruling is currently under consideration.

For further information, contact Sharon Miyasato, Attorney, Legal Advisory Services Division. Telephone (202) 447-1880.

Indemnification (7.5217)

Legal Authority: 12 U.S.C. 24.

The Office is reviewing this ruling which sets forth the conditions under which a national bank may indemnify bank directors and personnel. Alternatives to be considered include standards reflected in relevant state laws regarding indemnification and/or in the Model Business Corporation Act.

An advance notice of proposed rulemaking was published on February 6, 1980, and comments closed on April 7, 1980 (45 FR 8025). A proposed rule is under development.

For further information, contact Rajja Bettauer, Attorney, Legal Advisory Services Division. Telephone (202) 447-1880.

Charitable foundations (7.7445)

Legal Authority: 12 U.S.C. 24.

This ruling permits national banks to establish and contribute to charitable foundations. It does not specifically cover gifts to foundations in the form of grants of the right to receive, for a specified period, income from assets (commonly securities) owned by the bank, although the Office has approved such grants upon request under certain conditions. An amendment to the ruling is being developed to establish guidance in this area.

For further information contact Alan Priest, Attorney, Legal Advisory Services Division. Telephone (202) 447-1880.

Charitable contributions (7.7479)

Legal Authority: 12 U.S.C. 24.

This ruling limits the amount which a national bank may contribute to charity on a semiannual basis to five percent of income as reported in call reports. The Office is reviewing this interpretation in connection with the review of charitable foundations (7.7445) to determine whether any modifications or guidance is necessary. Subjects under consideration include defining the term charitable, aggregating contributions to charitable trusts and other charities, and modifying or removing the five percent limitation, especially in light of the higher limitations for tax purposes enacted in the Economic Recovery Tax Act of 1981.

For further information contact Alan Priest, Attorney, Legal Advisory Services Division. Telephone (202) 447-1880.

12 CFR Part 9—Fiduciary Powers of National Banks and Collective Investment Funds

Legal Authority: 12 U.S.C. 92a.

On October 29, 1980, the Office published a series of proposals to amend its rules governing the exercise of fiduciary powers by national banks (45 FR 71571). The proposed amendments concern the revocation of a bank's fiduciary powers, the retention of fiduciary records, the valuation of collective investment funds assets, marketability requirements for common trust funds, the valuation of short-term investment funds, the disclosure of

policies and practices for commissions paid in effecting securities transactions, and the deposit of funds awaiting investment or distribution. The proposal also asked for public comment on any other section of Part 9 felt to be in need of improvement. A final rule is expected to be published shortly.

For further information contact Dean E. Miller, Deputy Comptroller for Specialized Examinations. Telephone (202) 447-1731.

12 CFR Part 11—Securities Exchange Act Disclosure Rules

Legal Authority: 15 U.S.C. 78.

On January 29, 1981, the Office proposed a series of amendments to its securities disclosure regulation (46 FR 9618). The proposed amendments govern such matters as the form and content of financial statements of national banks, prescribed formats for financial statements and schedules, and requirements prohibiting the falsification of accounting records and misrepresentations by officers and directors of national banks. The proposed amendments are intended to conform the Office's regulations to the corresponding rules of the Securities and Exchange Commission.

For further information contact Eric Thompson, Attorney, Securities and Corporate Practices Division. Telephone (202) 447-1954.

12 CFR Part 17—Required Notification To Nominate Bank Directors

Legal Authority: 12 U.S.C. 1 *et seq.*

This regulation states that national banks may adopt bylaws or articles of association that require any shareholder proposing to nominate a director, other than a management nominee, to file certain information in advance with the Office and the bank. A proposal to rescind this regulation was published in the Federal Register on April 14, 1980 (45 FR 2478). Because of the comments received on this proposal, the Office is now considering retaining this regulation in revised form. A new notice of proposed rulemaking to this effect is being developed.

12 CFR Part 20—International Operations

Legal Authority: 12 U.S.C. 1 *et seq.*

This regulation requires prior notifications and reports to the Office of specified international activities of national banks. The Office is exploring alternative means of acquiring this information with a view toward abolishing the requirements.

For further information contact William Ryback, Director, International Examinations Division. Telephone (202) 447-1747.

SECTION C: EXISTING REGULATIONS SCHEDULED TO BE REVIEWED

12 CFR Part 8—Assessment of Fees

Legal Authority: 12 U.S.C. 482.

The bulk of the funding for the Office's activities is provided by assessments paid semiannually by national banks and District of Columbia banks. The Office's current assessment schedule, adopted in 1976, features a declining marginal rate of assessment. Experience has shown, however, that this system produces assessment revenues that lag behind Office expenses in an inflationary environment. Further, recent statutory changes giving the Office greater flexibility in scheduling examinations also call the current schedule into question. As a result, the Office is considering revising its existing assessment schedule in the coming months.

For further information, contact William A. Longbrake, Acting Senior Deputy Comptroller for Policy. Telephone (202) 447-1790.

12 CFR Part 27—Fair Housing Home Loan Data System

Legal Authority: 15 U.S.C. 1691 *et seq.*; 12 U.S.C. 1 *et seq.*, 481, 1818; 42 U.S.C. 3601 *et seq.*; 5 U.S.C. 301.

This regulation requires national banks to record and retain information on the age, race, sex, and marital status of applicants for loans for the purchase or construction of residential real property. Its purpose is to gather data necessary to detect prohibited credit discrimination. The Office intends to review this regulation to determine whether it is achieving its intended result in view of the reporting and recordkeeping burdens it imposes.

For further information, contact Patrick J. Marr, Consumer Examinations Division. Telephone (202) 447-1600.

SECTION D: RECENT OFFICE REGULATORY ACTIONS

12 CFR Part 21—Minimum Security Devices and Procedures

Legal Authority: 12 U.S.C. 1881-1884.

In conjunction with the other members of the Federal Financial Institutions Examination Council, on March 10, 1981 (46 FR 15864), and October 6, 1981 (46 FR 49104), respectively, the Office eliminated one major reporting requirement and

significantly modified another. More specifically, banks no longer must file compliance reports (Form P-1), and in lieu of filing external crime reports (Form P-2), banks are required only to maintain simple records of external crimes.

For further information, contact Peggy Shriner, National Bank Examiner, Commercial Examinations Division. Telephone (202) 447-1164.

Retail Repurchase Agreements

On May 14, 1981, the Office issued a set of advisory guidelines on retail repurchase agreements (Banking Circular No. 157) to keep banks offering these contracts from inadvertently violating the securities laws. To attract funds, an increasing number of national banks are offering repurchase agreements to their retail customers. However, these so-called "retail repo's"—in which a customer purchases a security from a bank that agrees to buy it back at a specified price at a specified time—raise a number of highly technical legal issues which are discussed in the guidelines.

For further information, contact Owen M. Carney, Director, Investment Securities Division. Telephone (202) 447-1901.

[FR Doc. 81-20820 Filed 10-14-81; 8:43 am]

BILLING CODE 4810-33-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: U.S. Customs Service,
Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Public Law 96-354, the "Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulation," Customs has prepared and is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding the substance of any particular regulatory project described in the agenda, please communicate with the person identified as the "Knowledgeable Official." Comments or inquiries of a general nature about the agenda itself should be directed to Todd J. Schneider, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20029 (202-566-8237).

SUPPLEMENTARY INFORMATION:**Background**

Public Law 96-354, the "Regulatory Flexibility Act" (RFA), and Executive Order (E.O.) 12291 of February 17, 1981, "Federal Regulation," require semiannual publication, in April and October, of an agenda of regulations which are "likely to have a significant economic impact on a substantial number of small entities" and "major" regulations, respectively. The RFA and E.O. 12291 also require agencies to include in their agendas currently effective rules which are or, in the case of the RFA after July 1, 1981, will be under agency review. Customs combined agenda will include a brief description of the subject area of each

regulatory project ("project") being considered, the objective and legal basis for the action being taken, the name and telephone number of a knowledgeable agency official and, where applicable, an approximate schedule for completing action on any project for which Customs has published a notice of proposed rulemaking. In addition, subsequent agendas will show the status of projects referred to in the previously published agenda.

Executive Order 12291 revoked Executive Order 12044, "Improving Government Regulations." However, to maintain continuity with projects previously listed on Customs semiannual agenda of "significant" regulations published on August 1, 1980, pursuant to E.O. 12044 (45 FR 51496), those projects are listed in this combined agenda.

The following is the second semiannual agenda to be published by Customs under the RFA and E.O. 12291. It has been determined that none of the projects listed as being under development meets the standards required of a "major" regulation provided in E.O. 12291. Two of the projects listed as regulations under agency review (Parts 22 and 103, Customs Regulations (19 CFR Parts 22, 103)), however, are being considered under the mandate for review of currently effective rules set forth in that Order. The projects that Customs has determined are likely to have the requisite economic impact specified in the RFA are identified by an asterisk to the left of the "Description/Citation" line in the agenda listing and a "(RFA)" at the end of that line.

A new Part III "Regulations Projects Withdrawn, Suspended, or Under Reconsideration," has been added to this agenda. That Part is comprised of regulations projects which have been withdrawn, suspended indefinitely, or are under reconsideration with a view towards their withdrawal. Those projects listed in Part III will not reappear as entries on the next Customs semiannual agenda, scheduled for

publication in April 1982, unless work has been resumed on, or a determination has been made to proceed with, a given project.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). If a project is initiated under the foregoing general authority, it is so noted after the heading "Legal Basis" in the body of the agenda item for that project. When appropriate, specific statutory authority is indicated as the legal basis for the project.

In accordance with Department of the Treasury policy, no action, other than preliminary studies, may be taken on any project for which a notice of proposed rulemaking had not been published prior to May 22, 1978, without Secretarial approval of a "work plan." Notice documents for many of the described projects have been published in the Federal Register and, therefore, no work plan will be prepared for those projects, and others which are in an early stage of preparation, no work plans are available to the public. However, projects which either have had work plans approved or are the subject of documents published in the Federal Register (FR) as an advance notice of proposed rulemaking (ANPRM) a notice or proposed rulemaking (NPRM) or a final rule-Treasury Decision (T.D.), are identified by work plan number or Federal Register citation. Approved work plans are available to the public under the provisions of the Freedom of Information Act, as amended (5 U.S.C. 552), and Part 103, Customs Regulations (19 CFR Part 103). Requests should be addressed to the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

By direction of the Secretary of the Treasury.

Dated: October 6, 1981.

William T. Archey,
Deputy Commissioner of Customs.

PART I.—REGULATIONS UNDER DEVELOPMENT

| Description/citation (19 CFR —) | Additional information |
|--------------------------------------|--|
| Air Commerce/Parts 6, 10, and others | <i>Summary:</i> Establish new rules for (1) duty-free trade in civil aircraft, and (2) dutiability of foreign repairs to, and foreign purchases of parts and materials for, U.S.-registered civil aircraft. <i>Objective:</i> To implement Title VI, Civil Aircraft Agreement, of Pub. L. 95-33, "Trade Agreements Act of 1979." <i>Legal Basis:</i> General. <i>Knowledgeable Official:</i> John Mathis (202-566-5706). <i>Status:</i> Work Plan 79-30 approved; NPRM published January 8, 1980 (45 FR 1633); T.D. under development. |
| Air commerce/§§ 6.3 and 6.8 | <i>Summary:</i> Simplification and clarification of aircraft clearance procedures. <i>Objective:</i> To facilitate clearance of aircraft departing U.S. <i>Legal Basis:</i> 49 U.S.C. 1509. <i>Knowledgeable Official:</i> John Mathis (202-566-5706). <i>Status:</i> Work Plan 79-6 approved; T.D. under development. |
| Petroleum/Part 10 | <i>Summary:</i> Regulation of petroleum exports from Canada. <i>Objective:</i> Conforming amendment required by Pub. L. 95-153. |

PART I.—REGULATIONS UNDER DEVELOPMENT—Continued

| Description/citation (19 CFR —) | Additional information |
|--|--|
| Endangered species-Antiques/Parts 10 and 12 | <p><i>Legal Basis:</i> General. <i>Knowledgeable Official:</i> Scott Shreve (202-566-8121). <i>Status:</i> T.D. in review at Treasury Department. <i>Summary:</i> Provide for importation of specified antique articles otherwise prohibited entry by Endangered Species Act of 1973 at designated ports of entry. <i>Objective:</i> Implement provisions of Pub. L. 95-632, "Endangered Species Act Amendments of 1978." <i>Legal Basis:</i> 19 U.S.C. 1202.</p> |
| Carnets (E.C.S./A.T.A.)/Parts 10 and 14 | <p><i>Knowledgeable Official:</i> Harrison Feese (202-566-8651). <i>Status:</i> Work Plan 79-28 approved; NPRM in review at Treasury Department. <i>Summary:</i> Substitute use of A.T.A. carnet for E.C.S. carnet in relation to the entry of commercial samples. <i>Objective:</i> United States withdrawal from Customs Convention on E.C.S. carnets (TIAS 6632) and accession to the Convention on A.T.A. carnets (TIAS 6631). <i>Legal Basis:</i> General.</p> |
| *Entry of American goods exported and returned/Parts 10 and 143 (RFA) | <p><i>Knowledgeable Official:</i> Jerald Worley (202-566-8551). <i>Status:</i> NPRM published October 1, 1981 (46 FR 48235). <i>Summary:</i> Establish informal entry procedures for certain American goods returned, not advanced in value or improved in condition while abroad. <i>Objective:</i> To implement provisions of Pub. L. 96-609. <i>Legal Basis:</i> 19 U.S.C. 1481, 1484, 1498.</p> |
| *Transportation of merchandise bond; Customs seals/Parts 18 and 24 (RFA). | <p><i>Knowledgeable Official:</i> Herbert Geller (202-566-5307). <i>Status:</i> Work Plan 81-14 approved; T.D. under development. <i>Summary:</i> Provide new standards for Customs acceptance of car, compartment, and package seals. <i>Objective:</i> To establish uniform comprehensive seal standards and simplify procedure for Customs acceptance of seals. <i>Legal Basis:</i> 19 U.S.C. 1552, 1553.</p> |
| *Transportation in bond; short shipments/§ 18.6 (RFA) | <p><i>Knowledgeable Official:</i> Allard P. D'Heur (202-566-5354). <i>Status:</i> Notice of suspension of Customs approval of new seals and request for comment published January 12, 1978 (43 FR 1806); T.D. 81-185 published July 16, 1981 (46 FR 36841); no RFA analyses required. <i>Summary:</i> Require entry, for statistical purposes, of merchandise at port of destination in event of nondelivery to Customs of entire shipment or one or more packages in shipment, even if merchandise not recovered intact. <i>Objective:</i> Implement provision of Pub. L. 95-410, "Customs Procedural Reform and Simplification Act of 1978." <i>Legal Basis:</i> 19 U.S.C. 1484, 1552, 1553.</p> |
| *Transportation in bond/§ 18.8 (RFA) | <p><i>Knowledgeable Official:</i> William Marchi (202-566-2967). <i>Status:</i> Work Plan 81-23 approved; NPRM under development. <i>Summary:</i> Increase amount of liquidated damages required by carrier's bond for shortage, failure to deliver or irregular delivery of duty-free merchandise. Carrier also would be liable for duty on dutiable merchandise, as well as liquidated damages. <i>Objective:</i> To clarify carrier's obligations under required bond and provide for liquidated damages as deterrent to violations. <i>Legal Basis:</i> 19 U.S.C. 1551, 1623.</p> |
| *Customhouse brokers/Part 111 (RFA) | <p><i>Knowledgeable Official:</i> William Rosoff (202-566-5866). <i>Status:</i> Work Plan 79-11 approved; NPRM published December 30, 1980 (45 FR 85780). T.D. under development, tentative publication Winter/1981; no RFA analyses required. <i>Summary:</i> Amend regulations relating to responsibilities of customhouse brokers. <i>Objective:</i> To clarify responsibilities of customhouse brokers and to ensure uniform compliance with applicable regulations. <i>Legal Basis:</i> 19 U.S.C. 1641.</p> |
| Carriers of bonded merchandise/§ 112.11 | <p><i>Knowledgeable Official:</i> Edward Gable (202-566-5865). <i>Status:</i> Work Plan 79-5 approved; NPRM in Customs Review. <i>Summary:</i> Revise criteria for designating private carriers of bonded merchandise to require only that they file bonds and transport their own property. <i>Objective:</i> To lessen restrictions of prior regulation. <i>Legal Basis:</i> 19 U.S.C. 1551.</p> |
| *Customs Bonds/Part 113 (RFA) | <p><i>Knowledgeable Official:</i> Donald Beach (202-566-5865). <i>Status:</i> Work Plan 79-10 approved; NPRM published October 27, 1980 (45 FR 70907); T.D. 81-243 published September 14, 1981 (46 FR 45600). <i>Summary:</i> Consolidation of Customs bonds and related forms. <i>Objective:</i> To simplify bond structure and language preparatory to expansion of AMPS program. <i>Legal Basis:</i> 19 U.S.C. 1623.</p> |
| Customs bonds, letter of credit/Part 113 | <p><i>Knowledgeable Official:</i> Joseph Goody (202-566-4434). <i>Status:</i> ANPRM published May 26, 1981 (46 FR 28172); NPRM under development. <i>Summary:</i> Authorize use of letter of credit in lieu of foreign-trade zone bond to guarantee payment of claims made by Customs against a foreign-trade zone operator. <i>Objective:</i> To facilitate the use of foreign-trade zones. <i>Legal Basis:</i> 19 U.S.C. 81c, 1623.</p> |
| *Contiguous countries, railroad equipment/§ 123.12 (RFA) | <p><i>Knowledgeable Official:</i> William Posoff (202-566-5956). <i>Status:</i> Work Plan in Customs Review. <i>Summary:</i> Admission of empty foreign railroad equipment without entry and payment of duty in certain instances. <i>Objective:</i> To clarify permitted use of foreign railroad equipment. <i>Legal Basis:</i> General.</p> |
| *Contiguous countries manifest validation/§§ 123.41 and 123.42 (RFA) | <p><i>Knowledgeable Official:</i> Michael Tomenga (202-566-5706). <i>Status:</i> Work Plan 81-7 approved; NPRM under development. <i>Summary:</i> Require truck driver carrying merchandise between U.S. and Canada to present manifest for validation by U.S. Customs at U.S. port of departure. <i>Objective:</i> Jointly initiated by U.S. and Canadian Customs to prevent evasion of duty when merchandise re-enters U.S. From Canada on in-transit documentation. <i>Legal Basis:</i> 19 U.S.C. 1553, 1554.</p> |
| Copyright/Part 133 | <p><i>Knowledgeable Official:</i> J. Bradley Lund (202-566-5354). <i>Status:</i> NPRM published December 9, 1978 (41 FR 53810); second NPRM published August 20, 1980 (45 FR 55474); T.D. 81-85 published April 15, 1981 (46 FR 21989). <i>Summary:</i> Amendments to regulations relating to recordation of copyrights with Customs. <i>Objective:</i> To implement provisions of Pub. L. 94-533, "Copyright Act of 1976." <i>Legal Basis:</i> 17 U.S.C. 1603.</p> |
| *Entry of merchandise; special permits for immediate delivery/Parts 141 and 142 (RFA). | <p><i>Knowledgeable Official:</i> Samuel Orandle (202-266-5765). <i>Status:</i> NPRM under joint development by Customs and Copyright Office. <i>Summary:</i> Revise Consumption Entry (Customs Form 7501) to accommodate new entry procedures. <i>Objective:</i> To implement provisions of Pub. L. 95-410, "Customs Procedural Reform and Simplification Act of 1978." <i>Legal Basis:</i> 19 U.S.C. 1484. <i>Knowledgeable Official:</i> William Wagner (202-566-5307). <i>Status:</i> Work Plan 80-18 approved; NPRM to proceed pending feasibility study.</p> |

PART I.—REGULATIONS UNDER DEVELOPMENT—Continued

| Description/citation (19 CFR—) | Additional Information |
|--|---|
| Entry of Merchandise/§ 141.1 (RFA) | <p><i>Summary:</i> Permit an importer who uses a broker's service to satisfy obligations to broker and Customs by making payment with two separate checks.</p> <p><i>Objective:</i> To afford importer an optional method of payment to broker and Customs.</p> <p><i>Legal Basis:</i> 19 U.S.C. 197, 199, 1505.</p> <p><i>Knowledgeable Official:</i> James Bartley (202-568-5765).</p> <p><i>Status:</i> NPRM published July 2, 1979 (44 FR 33571); 2nd NPRM published September 3, 1981 (45 FR 44195).</p> |
| *Entry of merchandise; bonds/Part 142 (RFA) | <p><i>Summary:</i> Acceptance of formal entries with unsecured bonds for certain importations.</p> <p><i>Objective:</i> Decrease costs to importer of merchandise valued less than \$1000.</p> <p><i>Legal Basis:</i> 19 U.S.C. 1623.</p> <p><i>Knowledgeable Official:</i> Herbert Geller (202-568-5307).</p> <p><i>Status:</i> Work plan 81-15 approved; NPRM under development.</p> |
| *Foreign-trade zones/§ 146.25 (RFA) | <p><i>Summary:</i> Remove zone-restricted status from merchandise admitted to foreign-trade zone from Customs bonded warehouse.</p> <p><i>Objective:</i> Permit use of formerly "zone-restricted" merchandise in zone manufacturing operations.</p> <p><i>Legal Basis:</i> 19 U.S.C. 1557(a).</p> <p><i>Knowledgeable Official:</i> Russel Berger (202-568-5355).</p> <p><i>Status:</i> Work Plan in review at Treasury Department.</p> |
| Trade Fairs/§ 147.45 | <p><i>Summary:</i> Removal of trade fair merchandise from foreign-trade zones for consumption without permission of Foreign-Trade Zone Board.</p> <p><i>Objective:</i> Amendments required to implement provisions of Pub. L. 91-632.</p> <p><i>Legal Basis:</i> 19 U.S.C. 81h.</p> <p><i>Knowledgeable Official:</i> William Rozoff (202-568-5356).</p> <p><i>Status:</i> Work Plan under development.</p> |
| Registration of merchandise/§ 148.1 | <p><i>Summary:</i> New instructions for registration of personal effects taken abroad.</p> <p><i>Objective:</i> To ensure uniform registration procedures.</p> <p><i>Legal Basis:</i> 19 U.S.C. 1498.</p> <p><i>Knowledgeable Official:</i> Joseph O'Gorman (202-568-8157).</p> <p><i>Status:</i> Work Plan 80-22 approved; NPRM published September 21, 1981 (46 FR 46594).</p> |
| Personal declaration and exemptions/§ 148.73 | <p><i>Summary:</i> Execution of written baggage declarations by military personnel.</p> <p><i>Objective:</i> To conform Customs and DOD regulations.</p> <p><i>Legal Basis:</i> General.</p> <p><i>Knowledgeable Official:</i> Donald Thompson (202-568-8164).</p> <p><i>Status:</i> Work Plan 81-16 approved; NPRM under development.</p> |
| Examination of merchandise/§ 51.2 | <p><i>Summary:</i> Expand Accelerated Cargo Clearance and Entry Processing Test (ACCEPT), an automated selective merchandise examination system to various ports of entry.</p> <p><i>Objective:</i> Facilitate movement of merchandise by fewer but more intensive examinations.</p> <p><i>Legal Basis:</i> 19 U.S.C. 1202, 1493.</p> <p><i>Knowledgeable Official:</i> Victor Weeren (202-568-5354).</p> <p><i>Status:</i> Work Plan 79-20 approved; NPRM published November 19, 1980 (45 FR 76449); T.D. 81-240 published September 10, 1981 (46 FR 45128).</p> |

*Projects noted with an asterisk and designated "(RFA)" are subject to the provisions of the Regulatory Flexibility Act.

PART II.—EXISTING REGULATIONS TO BE REVIEWED

| | Discussion |
|---------------------------------|---|
| Freedom of Information/Part 103 | <p><i>Summary:</i> Availability of information.</p> <p><i>Objective:</i> To conform to amendments to Freedom of Information Act made by Pub. L. 93-592.</p> <p><i>Knowledgeable Official:</i> Steven Finer (202-568-8531).</p> <p><i>Status:</i> NPRM published August 20, 1979 (44 FR 48703); T.D. 81-163 published June 24, 1981 (46 FR 32564).</p> |
| Drawback/Part 22 | <p><i>Summary:</i> Drawback.</p> <p><i>Objective:</i> To modernize procedures relating to claims for drawback.</p> <p><i>Knowledgeable Official:</i> George Stewart (202-568-5856).</p> <p><i>Status:</i> NPRM in Customs review.</p> |

PART III.—REGULATIONS PROJECTS WITHDRAWN, SUSPENDED, OR UNDER RECONSIDERATION

| Description/citation (19 CFR—) | Additional Information/discussion |
|---|---|
| Entry of noise-emitting merchandise; standards and labeling/Part 12 | <p><i>Summary:</i> Regulations to administer the EPA noise emission standard and labeling requirements on certain imported merchandise.</p> <p><i>Objective:</i> To implement provision of Pub. L. 92-572, "Noise Control Act of 1972."</p> <p><i>Legal Basis:</i> General.</p> <p><i>Knowledgeable Official:</i> Harrison Fesco (202-568-8651).</p> <p><i>Status:</i> Project withdrawn.</p> |
| Importation of motor vehicles/§ 12.73 | <p><i>Summary:</i> Conform regulations governing importation of motor vehicles under Clean Air Act to proposed EPA amendments on Federal emission standards.</p> <p><i>Objective:</i> To implement provisions of "Clean Air Act of 1955" as amended by Pub. L. 95-95.</p> <p><i>Legal Basis:</i> 19 U.S.C. 1484.</p> <p><i>Knowledgeable Official:</i> Harrison Fesco (202-568-8651).</p> <p><i>Status:</i> NPRM published in Federal Register on July 21, 1980 (45 FR 43817); extension of comment period until December 3, 1980, published September 20, 1980 (45 FR 64601); project being reconsidered by Customs and EPA.</p> |
| Entry of electronic products/§§ 12.90 and 12.91 | <p><i>Summary:</i> Implement FTC labeling requirements for certain imported electronic products.</p> <p><i>Objective:</i> To implement provisions of Pub. L. 93-253, "Public Health Service Act."</p> <p><i>Legal Basis:</i> General.</p> <p><i>Knowledgeable Official:</i> Darrell Kost (202-568-5765).</p> <p><i>Status:</i> NPRMs published September 5, 1975 (40 FR 41116) and July 27, 1976 (41 FR 31223); project withdrawn.</p> |
| Entry of energy-using products; labeling/§ 12.92 | <p><i>Summary:</i> Implement FTC labeling requirements for certain imported energy-using products.</p> <p><i>Objective:</i> To implement provisions of Pub. L. 94-163, "Energy Policy Conservation Act."</p> <p><i>Legal Basis:</i> General.</p> <p><i>Knowledgeable Official:</i> Harrison Fesco (202-568-8651).</p> <p><i>Status:</i> Project withdrawn.</p> |
| *In-bond transportation of merchandise/Parts 18, 123, and 144 (RFA) | <p><i>Summary:</i> Change time limits and other rules relating to in-bond transportation of merchandise.</p> <p><i>Objective:</i> To give Customs greater control over merchandise transported in bond.</p> <p><i>Legal Basis:</i> 19 U.S.C. 1552, 1553, 1557, 1623.</p> <p><i>Knowledgeable Official:</i> J. Bradley Lund (202-568-5354).</p> |

PART III.—REGULATIONS PROJECTS WITHDRAWN, SUSPENDED, OR UNDER RECONSIDERATION—Continued

| Description/citation (19 CFR—) | Additional information/discussion |
|---|--|
| *Customs warehouses and container stations; fees/Parts 19 and 24 (RFA)..... | <p><i>Status:</i> NPRM published August 13, 1978 (41 FR 34271); project being reconsidered.</p> <p><i>Summary:</i> Increase fee accompanying application to establish bonded warehouse, require fee with application to alter existing bonded warehouse or to establish container station.</p> <p><i>Objective:</i> Recover costs of services from recipients directly receiving benefits beyond those accruing to general public.</p> <p><i>Legal Basis:</i> 21 U.S.C. 483a.</p> <p><i>Knowledgeable Official:</i> John Holl (202-566-5354).</p> <p><i>Status:</i> NPRM published in the Federal Register July 10, 1980 (45 FR 46442); no RFA analysis required; project withdrawn.</p> |
| *Customs Financial and Accounting Procedure/§ 24.2(RFA)..... | <p><i>Summary:</i> Electronic Funds Transfer (EFT) on deferred imported wine and liquor excise taxes for qualified parties.</p> <p><i>Objective:</i> To minimize interest cost to Government by more expeditious processing of deposits.</p> <p><i>Legal Basis:</i> 19 U.S.C. 1623; 26 U.S.C. 5007, 5054, 5061, 7805.</p> <p><i>Knowledgeable Official:</i> Robert Hamilton (202-566-2596).</p> <p><i>Status:</i> Project withdrawn.</p> |
| Customs accounting procedures, Bonds/Parts 24 and 113..... | <p><i>Summary:</i> Charge interest on delinquent accounts of importers and others with Customs.</p> <p><i>Objective:</i> To encourage importers to pay Customs bills promptly and thereby improve cash flow.</p> <p><i>Legal Basis:</i> 19 U.S.C. 1623.</p> <p><i>Knowledgeable Official:</i> Robert Hamilton (202-566-2596).</p> <p><i>Status:</i> Work Plan 80-2 approved; NPRM in Customs review; project under reconsideration.</p> |
| *Entry of merchandise, Special Customs Invoice/Part 141 (RFA)..... | <p><i>Summary:</i> Eliminate submission of the Special Customs Invoice (CF 5515) when certain merchandise imported.</p> <p><i>Objective:</i> To reduce paperwork needed to enter goods into the United States.</p> <p><i>Legal Basis:</i> 19 U.S.C. 1481, 1484.</p> <p><i>Knowledgeable Official:</i> Herbert Geller (202-566-5307).</p> <p><i>Status:</i> Project withdrawn.</p> |
| *Entry of certain benzenoid chemicals/Parts 141 and 152 (RFA)..... | <p><i>Summary:</i> Require importers to furnish unique Chemical Abstract Service Registry Number on commercial invoice for certain benzenoid chemicals and products.</p> <p><i>Objective:</i> To implement provisions of Title II, Pub. L. 96-39, "Trade Agreements Act of 1979."</p> <p><i>Legal Basis:</i> 19 U.S.C. 1481.</p> <p><i>Knowledgeable Official:</i> William Marchi (202-566-2957).</p> <p><i>Status:</i> Work Plan 80-15 approved; project suspended indefinitely.</p> |
| *Entry of merchandise/§ 141.89 (RFA)..... | <p><i>Summary:</i> To revise the additional information required on entry of footwear.</p> <p><i>Objective:</i> To assist Customs in the appraisal and classification of imported footwear.</p> <p><i>Legal Basis:</i> 19 U.S.C. 1202, 1481, 1484.</p> <p><i>Knowledgeable Official:</i> William Marchi (202-566-2957).</p> <p><i>Status:</i> NPRM published July 28, 1978 (43 FR 32819); project suspended indefinitely.</p> |
| *Consumption, appraisal, and information entries; Importations/Parts 143 and 145 (RFA)..... | <p><i>Summary:</i> Allow district directors of Customs to require formal entry of mail merchandise valued at \$250 or less in cases other than those involving protection of revenue.</p> <p><i>Objective:</i> To administer Customs and other agency programs more efficiently.</p> <p><i>Legal Basis:</i> 19 U.S.C. 1484, 1488.</p> <p><i>Knowledgeable Official:</i> Herbert Geller (202-566-5307).</p> <p><i>Status:</i> Project withdrawn.</p> |
| Bonds/Part 18..... | <p><i>Summary:</i> Transportation in bond and merchandise in transit.</p> <p><i>Objective:</i> To ensure consistency of format and style.</p> <p><i>Knowledgeable Official:</i> George Stewart (202-566-5856).</p> <p><i>Status:</i> Work on project suspended indefinitely.</p> |
| Finance/Part 24..... | <p><i>Summary:</i> Customs financial and accounting procedure.</p> <p><i>Objective:</i> To ensure consistency of format and style.</p> <p><i>Knowledgeable Official:</i> Marvin Amernick (202-566-8237).</p> <p><i>Status:</i> Work on project suspended indefinitely.</p> |
| Duties/Parts 10 and 54..... | <p><i>Summary:</i> Articles conditionally free, subject to reduced rate, etc., and certain importations temporarily free of duty.</p> <p><i>Objective:</i> To ensure consistency of format and style.</p> <p><i>Knowledgeable Official:</i> Marvin Amernick (202-566-8237).</p> <p><i>Status:</i> Work on project suspended indefinitely.</p> |

*Projects noted with an asterisk and designated "(RFA)" are subject to the provisions of the Regulatory Flexibility Act.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations;
Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service (IRS)
Treasury.

ACTION: Semiannual agenda of regulations, significant and nonsignificant, under development or review.

SUMMARY: This semiannual agenda lists the regulations determined as of September 1, 1981, that the Internal Revenue Service will be developing from September 1, 1981 through March 31, 1983. The purpose of this semiannual agenda is to give the public adequate notice of Internal Revenue Service regulatory activities.

FOR FURTHER INFORMATION CONTACT: George H. Bradley, Chief, Technical Section, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, Attention: CC:LR:T. 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Treasury Directive 50-04.F, "Criteria and Procedures for the Preparation, Review, and Approval of Regulations," and section 602 of the Regulatory Flexibility Act and the Treasury Directive implementing that Act all require that a semiannual agenda of regulations under development and review be published in the Federal Register. The next semiannual agenda of the Internal Revenue Service will be published in the Federal Register of Thursday, April 15, 1982.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service as of August 31, 1981, for the development of regulations to appear in the Code of Federal Regulations. This agenda is divided into four parts. Part I lists existing regulations under development by the Legislation and Regulations Division, Office of the Chief Counsel.

Part II lists existing regulations under development by the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel. Part III lists separately projects also appearing in Part I or Part II under which existing regulations are to be reviewed pursuant to paragraph 12 of the Treasury Directive 50-04.F. Part IV lists the various regulation projects closed since February 28, 1981, which was the closing date with respect to which the last semiannual agenda of the Internal Revenue Service was prepared. All other projects appearing on the last semiannual agenda are reported in Parts I, II, or III, as the case may be, of this semiannual agenda. A table defining abbreviations used throughout this agenda and a second table listing attorneys (and their telephone numbers) within the Legislation and Regulations Division and the Employee Plans and Exempt Organizations Division follow Part IV. Regulations are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) in order to provide necessary guidance to Internal Revenue Service personnel who administer the law and to the public who must comply with the law. Additionally in some instances the specific sections of the Internal Revenue Code of 1954 and the sections of the act of Congress given in this agenda with respect to projects may specifically require or authorize regulations. Each of the regulation projects within each part of this agenda is listed in order by reference to the first section of the Internal Revenue Code of 1954 to which the project is in important measure addressed. The following information is disclosed in columnar form with respect to each regulation project.

1. 1954 Code Section, File Number, and RFA. The first column lists sections of the Internal Revenue Code of 1954 (Code) with which the subject project is directly concerned and the file number of the Internal Revenue Service under which the project is maintained. If the project is subject to the Regulatory Flexibility Act, the note "RFA" appears in this column.

2. Subject, Drafter, and Reviewer. The second column names the part of Title 26 of the Code of Federal Regulations to

be amended, describes briefly the subject of the regulation, names each section of each act of Congress (if any) which gives rise to the project, and names the drafting and reviewing attorneys (in that order) within the Legislation and Regulations Division or Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, who are responsible for drafting the regulation. As appropriate, the reviewing attorney within the Office of Tax Legislative Counsel or Office of International Tax Counsel, Department of the Treasury, is also named. Where a section of an act of Congress is specified in connection with a project, that project is necessary to provide regulations under the amendments to the Code made by that section of the act. In all other cases, regulations are needed under the Code sections named to provide corrective or clarifying changes in existing regulations relating to the subject matter.

3. Office in Which Pending and Status. The third column names the office or offices within the Internal Revenue Service and/or the Department of the Treasury in which the project is presently under consideration and describes the status of the project.

4. Priority and Regulatory Analyses. The fourth column discloses the relative degree of importance and necessity for publication assigned to the regulation. A priority of #1 shows that the project is of substantial importance; a priority of #2 shows that the project is of medium importance; and a priority of #3 shows that the project is of lesser importance. If the regulation project is subject to the Regulatory Flexibility Act and a notice of proposed rulemaking has been published with respect to the project, a target date for publication of final regulations appears in this column. If a regulatory analysis or a regulatory flexibility analysis is required for a project, a note to this effect and whether the regulatory analysis or regulatory flexibility analysis has been prepared appears in this column.

By direction of the Secretary of the Treasury.

Dated: September 25, 1981.

Roscoe L. Egger, Jr.

Commissioner of Internal Revenue.

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION

| 1954 code section and file No. | Subject and draftsman and reviewer | Office in which pending and status | Priority |
|--------------------------------|--|------------------------------------|----------|
| §§ 3, 4, 144, LR-249-76 | Inc. Tax—Part I—Tax tables for individuals (§§ 208, 301(b), (c), Rev. Act. 1971; § 501, TRA 1976) (Haglund/Savunde). | LR, in LR for prep of notice | 2 |
| §§ 41, 21, LR-33-76 | Inc. Tax—Part I—Corporate tax rates and surtax exemptions (Rev. Act. 1975, § 4; TRA 1976, § 901(a), (c)(2) (Savunde)). | LR, in LR for prep of notice | 2 |

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

| 1954 code section and file No. | Subject and draftsman and reviewer | Office in which pending and status | Priority |
|---|--|---|----------|
| §§ 44C, 6050D, LR-74-80..... | Inc. Tax—Part 1—Secretarial authority under residential energy credit (Crude Oil Windfall Profit Tax Act 1980, § 201(b)) (Woo/Bromell—TLC-Schuldinger/Roche). | TLC and T.C, 10/15/80 Notice pub. 4/30/81 Hrg. held 8/14/81 Rev. draft of T.D. to TLC and T.C. | 1 |
| § 44D, LR-75-80..... | Inc. Tax—Part 1—To add provisions under Code of sec. 44D (relating to credit for producing fuel from a nonconventional source) to conform to sec. 231, Crude Oil Windfall Profit Tax Act of 1980 (Mix/Francis—TLC-Roche). | LR, in LR for prep of notice..... | 2 |
| § 44E, LR-76-80..... | Inc. Tax—Part 1—Alcohol used as fuel (Crude Oil Windfall Profit Tax Act of 1980, § 232) (Charnas/Saverude). | TLC and Tech, 4/28/81 Draft of notice to TLC and Tech. | 2 |
| § 46, LR-169-79..... | Inc. Tax—Part 1—Investment credit for commuter highway vehicles (Energy Tax Act 1978, § 241(a)) (Weinstein/Duffy—TLC-Schuldinger/Roche). | TCL, 6/24/81 Draft of notice to TLC and T.C, 7/15/81 Comments from T.C. | 2 |
| §§ 46, 47 LR-4-78..... | Inc. Tax—Part 1—Investment credit for cooperatives (TRA 1978, § 316) (Kissel/Blumkin—TLC-McCarthy). | TLC and Tech, 8/21/81 Final draft of notice to TLC and Tech. | 2 |
| §§ 46, 47, LR-92-73..... | Inc. Tax—Part 1—Tax treatment of mass assets for investment credit purposes (Weinstein/Blumkin). | Treas, 11/15/79 Notice to Treas. for formal approval..... | 2 |
| §§ 46, 47, 48, LR-73-75..... | Inc. Tax—Part 1—Change in investment credit (§§ 301, 302, 604, TRA 1975, P.L. 94-12) (Weinstein/Blumkin). | TLC, 1/30/79 Notice pub. 6/27/79 Hrg. held 9/10/80 Draft of T.D. to TLC and T.C 10/21/80 Comments from T.C. | 2 |
| § 46(a), LR-160-80..... | Inc. Tax—Part 1—Changes made by §§ 222(a) and 223(b) of the Crude Oil Windfall Profit Tax Act of 1980 (Pearson/Whedbee). | LR, in LR for prep of notice..... | 2 |
| § 46(f), (i), LR-241-74..... | Inc. Tax—Part 1—Rate-making treatment of certain public utility property (Rosenthal/Parcell—TLC—Gallagher). | LR, in LR for prep of notice..... | 2 |
| § 46(g), LR-248-76..... | Inc. Tax—Part 1—Investment credit in the case of certain ships (TRA 1976, § 805) (Axelrod/Blumkin). | LR, in LR for prep of notice..... | 3 |
| § 48, LR-228-78..... | Inc. Tax—Part 1—Definition of new and used sec. 38 property (Swift/Whedbee—TLC—Sims). | Treas, 11/28/80 Notice pub. 3/20/81 T.D. to Treas. for formal approval. | 2 |
| § 48, LR-88-79..... | Inc. Tax—Part 1—Single purpose agricultural structure (RA 1978, § 314) (Swift/Blumkin—TLC—Sims). | LR, 1/23/81 Notice pub. 6/25/81 Hrg. held..... | 1 |
| § 48, LR-191-79..... | Inc. Tax—Part 1—Investment credit for rehabilitated structures (RA 1978, § 315) (Schmalz/Woo—TLC—Goodman). | T.C, 10/28/80 Notice pub. 3/31/81 Hrg. held 4/30/81 Draft of T.D. to TLC and T.C, 5/14/81 Comments from T.C. | 1 |
| § 48(k), LR-143-80..... | Inc. Tax—Part 1—Definition of firms that are "topical or otherwise essentially transitory in nature" (Axelrod/Dickinson—TLC—Sims). | Treas, 5/12/81 Notice to Treas. for formal approval..... | 2 |
| § 48 (l), LR-79-80..... | Inc. Tax—Part 1—Definition of energy property, to reflect addition by sec. 222(h) of the Crude Oil Windfall Profit Tax Act of 1980 of qualified intercity buses as category of property for business energy credit (Weinstein/Blumkin—TLC-Schuldinger/Roche). | TLC, 5/15/81 Draft of notice to TLC and T.C, 6/18/81 Comments from T.C. | 1 |
| § 48 (l), LR-80-80..... | Inc. Tax—Part 1 Definition of energy property qualifying for business energy credit (Crude Oil Windfall Profit Tax Act 1980, § 222(a)) (Pearson/Whedbee). | LR, in LR for prep of notice..... | 2 |
| § 48 (l), LR-176-80..... | Inc. Tax—Part 1—Special rules added by sec. 223(c) of Crude Oil Windfall Profit Tax Act 1980, relating to reduction of credit where property is financed by subsidized energy financing or industrial development bonds (Pearson/Blumkin—TLC-Schuldinger/Roche). | CC, 7/27/81 Notice to CC for formal approval..... | 1 |
| § 48 (l), LR-81-80..... | Inc. Tax—Part 1 Definition of energy property; items qualifying under alternative energy property (Crude Oil Windfall Profit Tax Act 1980, § 222 (b), (g), and (d)) (Pearson/Shedbee—TLC-Schuldinger/Roche). | LR, in LR for prep of notice..... | 2 |
| § 48 (l)(5) LR-78-80..... | Inc. Tax—Part 1 Definition of energy property; Criteria to be used by the Secretary in adding items to the list of specially defined energy property (Crude Oil Windfall Profit Tax Act 1980, § 222(d)) (Pearson/Blumkin—TLC-Schuldinger/Roche). | TLC, 1/7/81 Notice pub. 4/30/81 Hrg. held 8/17/81 Draft of T.D. TO TLC and T.C, 8/25/81 Comments from T.C. | 1 |
| §§ 50A, 50B, LR-200-78..... | Inc. Tax—Part 1—Relating to WIN credit (RA 1978, § 322) (Charnas/Bromell—TLC-Yecies). | TLC, 4/30/80 Notice pub. 8/8/80 Draft of T.D. to TLC and T.C, 9/2/80 Comments from T.C. | 2 |
| § 51, LR-199-78..... | Inc. Tax—Part 1—Amount of jobs credit (Charnas/Woo—TLC-Yecies)..... | TLC 12/28/79 Notice pub. 4/24/80 Hrg. held 7/8/80 Draft of T.D. to TLC and T.C, 7/16/80 Comments from T.C. | 1 |
| §§ 55, 3(b), 5(a), 57(a), (b), 58(g)(2), 441(b), 443(d), 453(c), 511(d), 666(b), (c), 871(b), 877(b), 904(h), 6015(c), 6363(b), 6654(f), LR-210-78..... | Inc. Tax—Part 1—Alternative minimum tax (RA 1978, §§ 401(b)(1), 421, 423; Technical Corrections Act 1979, §§ 104(a)(4), 107(a)(1) (A); P.L. 96-603, sec. 4) (Clark/Smith—TLC—Woodward). | TLC and T.C, 4/29/81 Draft of notice to TLC and T.C..... | 2 |
| §§ 56, 57, 58, LR-151-78..... | Inc. Tax—Part 1—Minimum tax (TRA 1976, § 301; TR and SA 1977, § 308; RA 1978, § 421(b), (c), 423, 701; Technical Corrections Act 1979, §§ 107 (a)(1)(A), 104(a)(4)(E) and (F); ERTA 1981, § 205) (Coplan/Smith—TLC—Goodman). | TLC and T.C, 2/17/81 Rev. draft of notice to TLC and T.C. | 2 |
| § 57, LR-209-78..... | Inc. Tax—Part 1—Minimum tax—TRA 1976, § 301; TR&SA 1977, § 308; Energy Tax Act 1978, §§ 402, 403; RA 1978, § 422) (Coplan/Smith—TLC—Goodman). | LR, in LR for prep of notice..... | 2 |
| § 61, LR-87-78..... | Inc. Tax—Part 1—Gross income—Taxation of fringe benefits (Bosco/Fischer—TLC—Krupsky). | TLC, 12/17/80 Rev. draft of notice to TLC and T.C, 1/30/81 Comments from T.C. | 1 |
| § 61, LR-194-77..... | Inc. Tax—Part 1—Nonqualified salary reduction agreements (Tolleris/Coulter). | LR, 2/3/78 Notice pub. 5/4/78 Hrg. held 6/11/79 News Release issued* soliciting further comment 11/27/79 Hrg. held in LR for prep of T.D. | 1 |
| §§ 61, 162, 174, 263, 471, LR-253-76..... | Inc. Tax—Part 1—Prepublication expenditures of publishers (Keesler-Fischer—TLC Roche). | TLC 4/9/79 Draft of notice to TLC and T.C, 4/18/79 Comments from T.C. | 2 |
| § 72, LR-19-80..... | Inc. Tax—Part 1—Unisex annuity tables (Parcell/Fischer—TLC—Krupsky)..... | LR, in LR for prep of notice..... | 2 |
| § 79, LR-42-78..... | Inc. Tax—Part 1—Group term life insurance—Evidence of insurability (Parcell/Fischer—TLC—Cunningham). | TLC, E.A, T.C, 6/9/81 Rev. draft of notice to TLC, E.A, and T.C. | 1 |
| § 83, LR-95-77..... | Inc. Tax Part 1—Reporting requirements for nonqualified stock options (TRA 1969, § 321) (Bosco/Fischer). | TLC, 9/20/77. Notice pub. 3/20/78 Hrg. held 9/24/79 Withdrawal notice to TLC and T.C, 8/15/79 Comments from T.C. | 2 |
| §§ 103, 61, 162, 163, 165, 171, 249, 1232, LR-70-77..... | Inc. Tax—Part 1—To provide for the tax consequences of refunding industrial development bonds to the issuer, bond-holder and industrial user (Thompson/Coulter—TLC—Krupsky). | TLC, 12/6/77 Notice pub. 3/15/78 Hrg. held 2/6/79 2d Notice pub. 5/1/80 Draft of rev. notice to TLC and T.C, 12/25/81 Comments from T.C. | 1 |
| § 103(a), LR-8-73..... | Inc. Tax—Part 1—To revise the definition of "on behalf of" (MacMaster/Coulter—TLC—Krupsky). | TLC, 2/2/76 Notice pub. 4/26/76 Hrg. held 2/20/80 Rev. draft of T.D. to TLC. | 1 |
| § 103(b)(4), LR-190-78..... | Inc. Tax—Part 1—Exemption for industrial development bonds for water facilities (RA 1978, §§ 332, 333) (Tolleris/Coulter—TLC—Krupsky). | TLC, 10/9/80 Draft of notice to TLC and T.C, 1, 3/9/81 Comments from T.C. | 2 |
| § 103-8, LR-182-79..... | Inc. Tax—Part 1—To clarify the "substantially all" test (MacMaster/Coulter—TLC—Krupsky). | TLC and Tech, 6/30/81 Rev. draft of notice to TLC and Tech. | 2 |
| § 103-8, LR-51-78..... | Inc. Tax—Part 1—To clarify the "public use" and "functionally related" requirements (Wold/Coulter—TLC—Krupsky). | TLC, 1/29/81 Draft of notice to TLC and Tech, 7/24/81 Comments from T.C. | 2 |

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

| 1954 code section and file No. | Subject and draftsman and reviewer | Office in which pending and status | Priority |
|--|--|---|----------|
| \$ 103-10, LR-245-79 | Inc. Tax—Part 1—To provide "timing" requirements for exempt small issues (Ausness/Coulter—TLC-Krupsky/Gallagher). | TLC, 8/21/80 Draft of T.D. to TLC and Tech, 9/8/80 Comments from Tech. | 2 |
| \$ 103(b)(8), LR-87-80 | Inc. Tax—Part 1—Exemption for industrial development bonds for qualified hydroelectric generation facilities (Crude Oil Windfall Profit Tax Act 1980, § 242) (Tolleris/Coulter—TLC-Gallagher). | LR, in LR for prep of notice. | 2 |
| \$ 103(b), LR-11-76 | Inc. Tax—Part 1—To determine rules relating to acquisition of exempt facilities by a regional authority (MacMaster/Coulter—TLC-Gallagher). | LR, 8/21/81 Draft of notice re'd. to LR. | 2 |
| \$ 103(b), LR-59-74 | Inc. Tax—Part 1—To define the term "principal user of a facility" (Tolleris-Coulter—TLC-Gallagher). | LR, 8/14/81 Notice re'd. to LR for revision. | 1 |
| \$ 103(b)(6)(D), LR-117-79 | Inc. Tax—Part 1—Increase in limit on small issues of industrial development bonds (RA 1978, § 331) (Tolleris-Coulter—TLC-Gallagher). | TLC, 12/19/79 Final draft of notice to TLC and T: L 10/80 Comments from T: L | 1 |
| \$ 103(b), LR-9-75 | Inc. Tax—Part 1—To clarify the definition of property which is a pollution control facility (MacMaster/Coulter—TLC-Roche). | TLC and T: C, 8/20/75 Notice pub. 11/21/75 Hrg. held 11/13/81 Rev. draft of T.D. to TLC and T: C. | 1 |
| \$ 103-10(b)(2), LR-50-80 | Inc. Tax—Part 1—Manner of electing \$10 million limitation on exempt small issues (Tolleris-Coulter—TLC-Gallagher). | Tech, 5/28/81 Notice fwd. for formal approval. | 2 |
| \$ 103(c), LR-101-79 | Inc. Tax—Part 1—To make changes to rules relating to arbitrage bonds (Flanagan/Coulter—TLC-Goodman). | TLC and T: L, 12/31/80 Final draft of notice to TLC and T: L | 2 |
| \$ 103(e), LR-6-81 | Inc. Tax—Part 1—Effective date of provisions relating to hotels adjacent to airports (Thompson/Coulter—TLC-Gallagher). | TLC and T: C, 8/25/81 Draft to T.D. to TLC and T: C. | 2 |
| \$ 103A, LR-10-81 | Inc. Tax—Part 1—Mortgage subsidy bonds (Omnibus Reconciliation Act of 1980, §§ 1100-1103) (Flanagan/Coulter—TLC-Gallagher). | LR, 7/1/81 Notice pub. 11/5/81 Hrg. to be held. | 1 |
| \$ 103-8(f), LR-100-75 | Inc. Tax—Part 1—To clarify the definition of property that is a solid waste disposal facility and to conform to statutory exemption for industrial development bonds for qualified steam-generating or alcohol-producing facilities (Crude Oil Windfall Profit Tax Act 1980, § 241) (MacMaster/Coulter—TLC-Roche). | TLC and Tech, 7/30/81 Draft of notice to TLC and T: C, 8/18/81 Partial comments from TLC. | 1 |
| \$ 103(h), LR-86-80 | Inc. Tax—Part 1—Industrial development bonds that must be in registered form and not guaranteed or subsidized under an energy program (Crude Oil Windfall Profit Tax Act 1980, § 244) (Ausness/Coulter—TLC-Krupsky). | TLC and Tech, 6/30/81 Draft of notice to TLC and Tech. | 2 |
| §§ 104 (a), (b), 105(d), LR-159-76 | Inc. Tax—Part 1—Changes in exclusion for sick pay and certain military, etc. disability pensions; Certain disability income (TRA 1976, § 505; TRISA, § 301) (Parcell/Fischer—TLC-Krupsky). | TLC, 7/9/80 Notice pub., 11/12/80 Draft of T.D. to TLC and T: L, 12/18/80 Comments from T: L. | 2 |
| \$ 116, LR-83-80 | Inc. Tax—Part 1—Partial exclusion of dividends and interest received by individuals (Mox/Francis—TLC-Cunningham). | TLC and T: L, 5/1/81 Discussion draft circulated. | 2 |
| \$ 118(b), LR-136-76 | Inc. Tax—Part 1—Contributions in aid of construction for certain utilities (TRA 1976, § 2120; TRA 1978, § 364) (Pearson/Bumkin—TLC-Gallagher). | Treas, 5/30/78 Notice pub., 8/27/78 Hrg. held, 3/12/81 Rev. notice to Treas. for formal approval. | 1 |
| \$ 124, LR-193-78 | Inc. Tax—Part 1—Exclusion from gross income of value of qualified transportation provided by employer (Energy Act of 1978, § 242) (Keesler/Fischer—TLC-Yocies). | TLC and T: L, 8/28/80 Draft of notice to TLC and T: L. | 3 |
| §§ 126, 1255, LR-222-78 | Inc. Tax—Part 1—Exclusion from income of certain cost-sharing payments under government programs (RA 1978, § 543) (Mox/Fischer—TLC-Krupsky). | LR, 5/21/81 Notice pub. | 1 |
| §§ 162, 62, 262, 3121, 3306, 3401, LR-173-77 | Inc. Tax—Part 1—Empl. Tax—Part 31—Deductibility of certain transportation expenses (Saverudo—TLC-Cunningham). | TLC and Tech, 6/22/81 Draft of notice to TLC and Tech. | 1 |
| §§ 162, 4945, LR-190-77 | Inc. Tax—Part 1—To provide better definitions in the area of political advertising and grassroots lobbying (Haglund/Francis—TLC-Krupsky). | LR, 11/25/80 Notice pub. | 1 |
| §§ 163(d), 703(b), LR-1639 | Inc. Tax—Part 1—Limitation on interest deduction (TRA 1963; Rev. Act 1971, § 304; TRA 1976, §§ 209, 901(b)(21)(F)) (Parcell/Fischer—TLC-Baneman). | LR, 11/28/77 Notice re'd. to LR FOR REVISION. | 1 |
| \$ 166(f), LR-1173 | Inc. Tax—Part 1—Deductions for addition to a reserve for certain guaranteed debt obligations (P.L. 89-722) (Mox/Fischer—TLC-Roche). | TLC, 7/11/80 Notice pub., 1/6/81 Draft of T.D. to TLC and T: C, 2/2/81 Comments from T: C. | 3 |
| \$ 167, LR-177-78 | Inc. Tax—Part 1—To prevent treatment of regular sales of assets leased on purchase-option arrangements as ordinary retirements under ADR (Flanagan/Coulter—TLC-Krupsky). | TLC, 3/31/80 Draft of notice to TLC and T: C, 8/20/80 Comments from T: C. | 2 |
| \$ 167, LR-261-79 | Inc. Tax—Part 1—To require a contribution to property from a CLADR account to be treated as an extraordinary retirement (Flanagan/Coulter—TLC-Krupsky). | TLC and Tech, 12/30/80 Notice pub., 6/30/81 Draft of T.D. to TLC and Tech. | 2 |
| \$ 167(f), LR-172-79 | Inc. Tax—Part 1—Rate-making treatment of public utility property (Rosenthal/Parcell—TLC-Gallagher). | LR, in LR for prep of notice. | 1 |
| \$ 167 (a)-11, (c)(2)(iv), LR-66-81 | Inc. Tax—Part 1—Application of CLADR conventions (Kissel/Bumkin). | TLC, 4/18/81 Draft of notice to TLC and T: C, 8/24/81 Comments from T: C. | 1 |
| §§ 167 (n), (o), 280B, 1082(a)(2)(B), 1250(b)(3), LR-35-80 | Inc. Tax—Part 1—Depreciation of certain rehabilitation expenditures for, and disallowance of deductions for amounts expended in demolishing certain historic structures (TRA 1976, § 2124) (Small/Saverudo—TLC-Sims). | TLC and T: C, 12/19/80 Draft of notice to TLC and T: C. | 2 |
| \$ 167(g), LR-189-78 | Inc. Tax—Part 1—Depreciation allowance in case of retirement of certain oil and gas boilers (Energy Tax Act, § 301(o)) (Wold/Coulter—TLC-Schuldinger/Roche). | TLC, 8/30/79 Rev. draft of notice to TLC and T: C, 9/17/79 Comments from T: C. | 2 |
| \$ 168, etc., LR-229-81 | Inc. Tax—Part 50—Temp. Regs.—Est. Tax—Part 22—Temp. Regs.—Certain elections under the Economic Recovery Tax Act of 1981 (Francis). | LR, in LR for prep of T.D. | 1 |
| \$ 168(f)(8), LR-184-81 | Inc. Tax—Part 50—Temp. Regs.—Accelerated cost recovery system with respect to leases (ERTA 1981, § 201) (Tolleris/Coulter). | LR, in LR for prep of T.D. | 1 |
| \$ 169(d)(1), (4), LR-193-76 | Inc. Tax—Part 1—Amortization of certain pollution control facilities (TRA 1976, § 2112(b), (c)) (Wold/Coulter). | LR, in LR for prep of notice. | 2 |
| \$ 170, LR-272-76 | Inc. Tax—Part 1—Charitable contributions of inventory (TRA 1976, §§ 2035, 205(c)(1), 1502(c)(2), 1307(c), (d)(1), 1212(b)(1), (c), 1901(a)(28), (b)(3), 2124(e)(1)) (Saverudo—TLC-Fike). | Treas, 3/20/80 Notice pub., 7/15/80 Hrg. held, 6/9/81 T.D. to Treas. for formal approval. | 2 |
| §§ 170(f)(3), 2055(e)(2), 2522(c)(2), LR-200-76 | Inc. Tax—Part 1—Est. Tax—Part 20—Gift Tax—Part 25—Transfers of partial interests in property for conservation purposes (TRA 1976, § 2124(e); TR SA 1977, § 309)—To extend certain temporary tax provisions (Small/Smith). | TLC and T: L, 7/21/81 Draft of notice to TLC and T: L. | 3 |
| §§ 172, 537(b), LR-218-78 | Inc. Tax—Part 1—Net operating losses attributable to product liability losses (RA 1978, § 371) (Ausness/Coulter—TLC-Brown). | LR, 7/22/81 Notice to DED. | 2 |
| \$ 179(d)(8), LR-256-76 | Inc. Tax—Part 1—Dollar limitation with respect to additional first-year depreciation allowance for small business in case of partnerships (Parcell/Fischer). | TLC, 7/13/79 Draft of notice to TLC and T: C, 10/17/79 Comments from T: C. | 2 |
| \$ 183(e), LR-61-74 | Inc. Tax—Part 1—Election to postpone application of sec. 183(d) presumption (RA 1971, § 311; TRA 1976, § 214) (Keesler/Fischer—TLC-Baneman). | TLC and T: L, 3/6/81 Final draft of notice to TLC and T: L, 5/21/81 Chngd. pages fwd. | 3 |
| \$ 189, LR-145-76 | Inc. Tax—Part 1—Amortization of real property construction period interest and taxes (TRA 1976, § 201; RA 1978, §§ 701(M)(1) and 701(o)) (Keesler/Fischer—TLC-Cunningham). | TLC, 3/20/79 Draft of notice to TLC and T: L, 4/18/79 Comments from T: L. | 1 |

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

| 1954 code section and file No. | Subject and draftsman and reviewer | Office in which pending and status | Priority |
|--|--|---|----------|
| § 192, LR-62-78 | Inc. Tax—Part 1—Contributions to Black Lung Benefit (Black Lung Benefit Trust Rev. Act 1977, § 4(b)) (Stevenson/Woo—TLC-Baneman). | EO, 3/27/80 Draft of notice to TLC, T.C, E.O. 4/23/80 Comments from T.C, 7/17/80 Comments from TLC. | 2 |
| § 194, LR-224-80 | Inc. Tax—Part 15b—Temp. Regs.—Amortization of certain reforestation expenditures (Title III, RBS and FI Act of 1980 (P.O. 98-451)) (Coplan/Smith). | LR, in LR for prep of T.D. | 1 |
| § 217, LR-230-78 | Inc. Tax—Part 1—Moving expenses (Foreign Earned Income Act 1978, § 204, P.O. 95-617) (Haglund/Woo). | Treas., 5/22/80 Notice pub., 3/11/81 T.D. to Treas. for formal approval. | 2 |
| § 263(c), LR-202-78 | Inc. Tax—Part 1—Intangible drilling costs (Energy Tax Act 1978, § 402(a)) (Woo—TLC-Schuldinger). | Treas., 1/30/80 Notice pub., 5/12/81 T.D. to Treas. for formal approval. | 2 |
| § 274(a), LR-203-78 | Inc. Tax—Part 1—Disallowance of certain entertainment expenses—To conform to sec. 351, RA 1978 (P.L. 95-600) (Stevenson/Saverudo—TLC-Melton). | TLC, 12/18/80 Draft of notice to TLC and T.I, 1/10/81 Comments from T.I. | 2 |
| § 277, LR-1721 | Inc. Tax—Part 1—Taxation of nonexempt membership organizations (TRA 1976, § 121(b)(3)) (Keesler/Fischer). | LR, 5/6/72 Notice pub., 8/8/72 Hrg. held, 11/8/79 Draft of rev. notice ref'd. to LR. | 2 |
| § 280, LR-220-76 | Inc. Tax—Part 1—Amortization of production cost of motion pictures, books, records, and other similar property (TRA 1976, § 210(a), (b)) (Keesler/Fischer—TLC-Krupsky). | TLC, 7/1/77 Rev. draft of notice to TLC and T.I, 2/14/78 Comments from T.I. | 3 |
| § 280A, LR-261-76 | Inc. Tax—Part 1—Deductions for expenses attributable to business use of homes, rental or vacation homes (TRA 1976, § 601) (Stevenson/Francis—TLC-Baneman). | TLC and T.I, 8/7/80 Notice pub. 8/19/81 Draft of rev notice to TLC and T.I. | 1 |
| § 303, LR-124-76 | Inc. Tax—Part 1—Distribution in redemption of stock to pay death taxes (TRA 1976, § 2004(e)) (Kissel/Blumkin). | TLC, 3/3/77 Draft of notice to TLC and T.C, 5/17/77 Approved by T.C. | 2 |
| § 305, LR-91-74 | Inc. Tax—Part 1—To clarify meaning of term "reasonable redemption premium" (Kissel/Blumkin—TLC-Carrington). | TLC, 11/28/80 Rev. draft of notice to TLC and T.C, 12/29/80 Comments from T.C. | 2 |
| § 334(b)(2), LR-114-80 | Inc. Tax—Part 1—To establish rules with respect to recapture items (Kissel/Blumkin—TLC-Krupsky/Shakow). | LR, in LR for prep of notice | 2 |
| § 337, LR-130-76 | Inc. Tax—Part 1—Simultaneous liquidation of a parent and subsidiary (TRA 1976, § 2118; RA 1978, § 207(j)) (Swift/Wheedbee—TLC-Krupsky). | TLC and T.C, 9/30/80 Rev. draft of notice to TLC and T.C. | 2 |
| § 351, LR-754 | Inc. Tax—Part 1—Transfer by a cash basis taxpayer of unrealized accounts receivable, etc., to a corp. controlled by a transferee (Swift/Wheedbee—TLC-Yecies). | TLC and T.C, 3/31/81 Rev. draft of notice to TLC and T.C. | 2 |
| § 355, LR-936 | Inc. Tax—Part 1—Distribution of stock and securities of a controlled corp. (Blumkin). | TLC and T.C, 1/13/77 Notice pub. 1/21/77 Notice repub. 3/31/80 Draft of T.D. to TLC and T.C. | 1 |
| § 358, LR-1993 | Inc. Tax—Part 1—Basis in stock of a corp. acquiring property in exchange for stock of corp. in control of acquiring corp. (Alderod/Blumkin—TLC-Yecies). | LR, 1/2/81 Notice pub. | 1 |
| § 367(a)(1), LR-24-81 | Inc. Tax—Part 1—Relating to ruling requests (TRA 1976, § 1042(a)) (Kadue/Felton). | LR, 12/30/77 Notice under LR-230-76 pub. 10/5/79 Temp. Regs. pub.—T.D. 7646, 10/5/79 Notice pub. 2/27/80 Hrg. held in LR for prep of T.D. | 1 |
| § 367(a)(2), LR-231-76 | Inc. Tax—Part 1—Exception for transfers of property from the U.S. designated by the Secretary (TRA 1976, § 1042 (a)) (Dean/Felton—TLC-Hannes). | LR, in LR for prep of notice | 1 |
| § 367(b), LR-2-78 | Inc. Tax—Part 1—Changes in ruling requirements for sec. 367(b) transactions (TRA 1976, § 1042(a)) (Schreiner/Felton). | LR, 12/30/77 Notice pub. under LR-230-76, 10/5/79 Temp. Regs. pub.—T.D. 7646, 10/5/79 Notice pub. 2/27/80 Hrg. held. | 1 |
| § 368(a)(2)(E), (b)(2), LR-1994 | Inc. Tax—Part 1—Acquisition of a corp. by merger of a corp. controlled by the acquiring corp. (P.L. 91-693) (Alderod/Blumkin—TLC-Yecies). | LR, 1/2/81 Notice pub. | 1 |
| §§ 368(a)(2)(F), 721, 722, 723, 683, LR-135-76 | Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Swift/Blumkin—TLC-Rabinovitz/Krupsky). | 1/7/81 Notice pub. | 1 |
| § 414 (b), (c), LR-209-74 | Inc. Tax—Part 1—Definitions and special rules (P.L. 93-406, § 1015) (Weinstein/Blumkin). | TLC, Tech, and EP 11/5/75 Notice pub. 9/23/80 Draft of T.D. to TLC, Tech and EP. | 3 |
| § 446(e), LR-188-79 | Inc. Tax—Part 1—Requests for change of method of accounting from an erroneous method of accounting (Bennett/Parcel—TLC-Brown). | TLC and Tech, 2/17/81 Final draft of notice to TLC and Tech. | 1 |
| §§ 446(e), 481, LR-47-80 | Inc. Tax—Part 1—Clarification of relationship between secs. 446(e) and 481 (Parcel/Fischer—TLC-Brown). | TLC, 7/28/80 Draft of notice to TLC and T.C, 9/12/80 Comments from T.C. | 1 |
| § 447, LR-143-76 | Inc. Tax—Part 1—Method of accounting for corps. engaged in farming (TRA 1976, § 207(c)) (Keesler/Fischer—TLC-Hutton). | TLC, 6/18/81 Draft of notice to TLC and T.C, 7/14/81 Comments from T.C. | 1 |
| § 453, LR-187-80 | Inc. Tax—Part 15A—Temp. Regs.—Installment obligations received in transactions in which gain or loss is not recognized (Mix/Fischer—TLC-Roche). | TLC and Tech, 3/19/81 Final draft of T.D. to TLC and Tech. | 1 |
| §§ 453, 453B, 1001, 72, LR-103-81 | Inc. Tax—Part 15A—Temp. Regs.—Treatment of gain realized on the exchange of appreciated property for a private annuity (Mix/Fischer). | TLC, T.I, T.C, 7/2/81 Draft of T.D. to TLC, T.I, T.C. | 1 |
| § 453, LR-185-80 | Inc. Tax—Part 15A—Temp. Regs.—Installment obligations received from a liquidating corp. (Mix/Fischer—TLC-Roche). | CC/JDS, 8/17/81 T.D. to CC/JDS for formal approval. | 1 |
| § 453, LR-173-80 | Inc. Tax—Part 1—General rules and contingent sales (Mix/Fischer—TLC-Roche). | LR, 2/4/81 Notice pub. 10/1/81 Hrg. to be held. | 1 |
| § 453, LR-68-81 | Inc. Tax—Part 15A—Temp. Regs.—To change the effective date provisions of T.D. 7768 relating to wrap-around mortgages and selling expenses (Mix/Fischer—TLC-Roche). | Treas., 6/8/81 T.D. to Treas. for formal approval. | 1 |
| § 453, LR-1-81 | Inc. Tax—Part 15A—Temp. Regs.—Installment obligations received in transactions between related parties (Mix/Fischer—TLC-Roche). | TLC and T.I, 1/8/81 Draft of T.D. to TLC and T.I. | 1 |
| § 453A, LR-146-81 | Inc. Tax—Part 15A—Temp. Regs.—Installment method reporting by dealers in personal property (Mix/Fischer). | LR, in LR for prep of T.D. | 1 |
| § 458, LR-195-78 | Inc. Tax—Part 1—Exclusion from gross income with respect to magazines, paperbacks, and record returns after close of taxable year (RA 1978, § 372) (Bennett/Fischer—TLC-Cunningham). | Commr., 8/20/81 Notice to Commr. for formal approval. | 2 |
| § 461, LR-190-76 | Inc. Tax—Part 1—Treatment of prepaid interest (TRA 1976, § 208, 1901(a)(69)) (Parcel/Fischer). | TLC, 10/23/79 Rev. draft of notice to TLC and T.I, 12/20/79 Comments from T.I. | 2 |
| §§ 463, 81, LR-6-75 | Inc. Tax—Part 1—Accrual of vacation pay (P.L. 93-625), (Bennett/Fischer—TLC-Brown). | TLC, 3/28/78 Rev. draft of notice to TLC and T.C 4/19/78 Comments from T.C. | 1 |
| §§ 464, 278(b), LR-144-76 | Inc. Tax—Part 1—Limitation on deductions in case of farming syndicates (TRA 1976, § 207 (a), (b)) (Keesler/Fischer—TLC-Hutton). | TLC and Tech, 8/31/81 Final draft of notice to TLC and Tech. | 1 |
| § 465, LR-168-76 | Inc. Tax—Part 1—Determination of amounts at risk with respect to certain activities (TRA 1976, § 204) (Bennett/Parcel/Fischer—TLC-Levinson). | TLC, 6/5/79 Notice pub. 9/27/79 Hrg. held 11/7/79 Draft of T.D. to TLC and T.I, 12/28/79 Comments from T.I. | 1 |
| § 466, LR-217-78 | Inc. Tax—Part 1—Qualified discount coupons returned after close of taxable year (Bennett/Fischer—TLC-Brown). | TLC and Tech, 8/6/81 Final draft of notice to TLC and Tech. | 3 |
| § 471, LR-2158 | Inc. Tax—Part 1—Inventories at cost or market, whichever is lower (Bosco/Fischer—TLC-Brown). | TLC, 6/1/77 Final draft of notice to TLC. | 2 |
| § 472-8(e), LR-267-79, RFA | Inc. Tax—Part 1—Proposed revision to dollar-value LIFO regs. to allow small business to use Consumer Price Index (Bosco/Fischer—TLC-Brown). | LR, 1/16/81 Notice pub. 6/30/81 Hrg. held. | 1 |

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

| 1954 code section and file No. | Subject and draftsman and reviewer | Office in which pending and status | Priority |
|---|---|--|----------|
| § 473, LR-82-80 | Inc. Tax—Part 1—Qualified Equidations of LIFO Inventories (Cruds OJ Windfall Profit Tax Act 1980, § 403) (Rosenthal/Fischer—TLC-Brown). | TLC and T.J. 4/22/81 Draft of notice to TLC and T.J. | 2 |
| § 482, LR-307-76 | Inc. Tax—Part 1—Allocation of income and deductions among taxpayers to revise percentage applied in determining rental change for use of tangible property to reflect amendt. of regs. to provide for a "safe haven" imputed interest rate of 6-8 percent (Schreiner/Felton—TLC-Baneman). | T.C. 12/17/80 Rev. draft of notice to ITC and T.C. 2/4/81 Comments from ITC. | |
| § 512(a)(3), LR-1744 | Inc. Tax—Part 1—Social clubs—Unrelated business income (TRA 1969, § 121(b)(1)) (Mix/Fischer). | TLC, 5/13/71 Notice Pub. 8/31/71 Hrg. held 7/3/80 Rev. draft of T.D. to TLC. | 2 |
| § 532, LR-125-78 | Inc. Tax—Part 1—To apply accumulated earnings tax to corps. accumulating E&P to avoid income tax on certain foreign corp. shareholders (Klein/Felton—TLC-Krupsky). | LR, 12/22/80 Notice pub. | 3 |
| §§ 541-45, 551-55, LR-680 | Inc. Tax—Part 1—Various sections of the Code affecting personal holding cos. (§ 225, in part), RA 1964; also P.L.'s 89-803, §§ 104(h), 206; 91-172, § 101(d) (16); TRA 1976, §§ 211, 2106) (Thompson/Saverudo—TLC-Gallagher). | TLC, 9/5/68 Notice pub. 11/3/78 Draft of rev. notice to TLC and T.C. 11/30/78 Comments from T.C. | 2 |
| § 565, LR-29-80 | Inc. Tax—Part 1—Accumulated earnings tax (Thompson/Coulter—TLC-Gallagher). | Tech, 12/12/80 Notice fwd. for formal approval | 3 |
| §§ 584(a) (1), (c) (1)(A) and (B), (c)(2), (e), 6032, LR-133-76 | Inc. Tax—Part 1—Tax treatment of common trust funds (P.L. 94-414, § 1; 94-455; TRA 1976, §§ 2138(a), 1402(b), 1901(b), 2131(d)) (Schreiner/Coulter). | TLC, 9/22/80 Notice Pub. 2/19/81 Hrg. held 5/7/81 Draft of T.D. to TLC and T.J. 6/17/81 Comments from T.J. | 2 |
| § 593 (b)(3), (4), (5), LR-152-73 | Inc. Tax—Part 1—Reserves for losses on loans of mutual savings banks, etc. (TRA 1969, § 432(a)) (ERTA 1981, § 243) (Thompson/Coulter—TLC-Roche). | TLC, 9/30/80 Draft of notice to TLC and T.C. 1/15/81 Comments from T.C. | 3 |
| §§ 612, 613, LR-1148 | Inc. Tax—Part 1—Restoration of depletion deductions on bonus and advanced royalties in certain cases (Woo/Bromell—TLC). | LR, 12/6/79 Notice ref'd. to LR for revision | 1 |
| § 613, LR-2073 | Inc. Tax—Part 1—Percentage depletion deduction—To clarify rules relating to determination of gross income from the property in the case of oil & gas wells (Woo/Bromell). | TLC, 5/3/73 Partial draft of notice to TLC and T.C. Comments from T.C. | 1 |
| § 613(b), LR-2072 | Inc. Tax—Part 1—Percentage depletion rates (TRA 1960, § 501; also P.L. 89-809, §§ 207, 208, 209) (Woo/Bromell—TLC-Schuldinger). | TLC, 12/12/78 Rev. draft of notice to TLC and T.C. 8/80 Comments from T.C. | 1 |
| §§ 613A, 703(a), 705(a), LR-105-75 | Inc. Tax—Part 1—Supplementary rules on limitations on percentage depletion for oil and gas (TRA 1975, § 501; TRA 1976, §§ 1901(a)(86), 2115) (Woo/Bromell—TLC-Schuldinger). | TLC, 5/13/77 Notice pub. 8/31/78 Hrg. held 8/2/78 Draft of T.D. to TLC and T.C. 9/78 Comments from T.C. | 1 |
| § 642(g), LR-183-76 | Inc. Tax—Part 1—Certain expenses of estates (TRA 1976, § 2003 (d)) (Waltuch/Smith—TLC-Cunningham). | Tech, 5/23/81 Final Draft of notice to Tech. | 3 |
| §§ 644, 641(b), LR-188-76 | Inc. Tax—Part 1—Special rule for property transferred at less than fair market value (TRA 1976, § 701(e)) (RA 1978, § 701(p)) (Clark/Smith—TLC-Woodward). | LR, in LR for prep of notice | 2 |
| §§ 664, 170A, 25.2522, LR-42-73 | Inc. Tax—Part 1—To provide rules for application of charitable remainder trust provisions to certain living trusts (Haglund-Woo—TLC-Goodman). | TLC, 11/18/79 Draft of notice to TLC and T.J. 12/23/80 Comments from T.J. | 3 |
| §§ 667, 666(e), 668, 665(b), (e)-(g), 669, 1302(a)(2)(B), (b)(2)(B), 6401(b), LR-184-76 | Inc. Tax—Part 1—Proc. and Admin.—Part 301—Accumulation trusts (TRA 1976, §§ 701 (a)-(d), (f), 1014) (Harman/Smith—TLC-Woodward). | LR, in LR for prep of notice | 2 |
| § 671, LR-55-79 | Inc. Tax—Part 1—Reporting requirements for grantor trusts (Small/Smith—TLC-Cunningham). | Treas., 12/24/80 Notice pub. 8/27/81 T.D. to Treas. for formal approval. | 2 |
| §§ 679, 678(b), 643 (a), (c)(C), (D), (d), 6048, 6677, LR-187-76 | Inc. Tax—Part 1—Proc. and Admin.—Part 301—Foreign trusts having U.S. beneficiaries (TRA 1976, § 1013) (Harman/Smith—ITC-Lainoff). | TLC, 12/18/80 Rev. draft of notice to TLC and T.J. 6/17/81 Comments from T.J. | 1 |
| § 704(b), LR-262-76 | Inc. Tax—Part 1—Determination of partner's distributive share (TRA 1976, § 213(d)). | TLC and T.J. 11/30/78 Draft of notice to TLC and T.J. | 1 |
| §§ 705(c)(2)(B), 704, LR-265-76 | Inc. Tax—Part 1—Items allocated to portion of year partner held interest (TRA 1976, § 213(c)) (Mix/Francis—TLC-Gallagher). | TLC, 3/27/79 Draft of notice to TLC | 1 |
| § 707(c), LR-2127 | Inc. Tax—Part 1—To conform the income tax regs. relating to guaranteed payments to partners to sec. 213(b)(3) of TRA 1976 and to the LCR & Carey decisions (Charnas/Francis—TLC-Gallagher). | LR, 2/13/81 Draft of notice ref'd. to LR for revision | 1 |
| § 709, LR-266-76 | Inc. Tax—Part 1—Clarification of treatment of partnership syndication fees, etc. (TRA 1976, § 213(b)) (Haglund/Bromell—TLC-Gallagher). | TLC and T.J. 1/11/80 Notice pub. 5/21/80 Hrg. held 4/23/81 Rev. draft of T.C. to TLC and T.J. | 2 |
| §§ 761, 6031, LR-36-80 | Inc. Tax—Part 1—Certain compliance problems where elections out of Subch. K are made (Mix/Francis—TLC-Gallagher). | LR, 6/17/81 Draft of notice ref'd. to LR for revision | 2 |
| § 860, LR-183-78 | Inc. Tax—Part 1—Real estate investment trusts and regulated investment companies (RA 1978, § 362) (Whodbee/Blumkin—TLC-Bancman). | TLC, 3/31/80 Notice pub. 7/31/80 Draft of T.D. to TLC and T.J. 8/14/80 Changed pages fwd. 10/1/80 Comments from T.J. | 2 |
| § 861(a), LR-215-78 | Inc. Tax—Part 1—Computation of taxable income from sources within and without the U.S. (Duffy/Saverudo—ITC-Krupsky). | Treas., 6/10/81 Notice to Treas. for formal approval | *1 |
| § 861(a)(7), LR-71-77 | Inc. Tax—Part 1—Source of income of underwriting income (TRA 1976, § 1036) (Bennett/Fischer). | LR, in LR for prep of notice | 2 |
| § 861(f), LR-184-79 | Inc. Tax—Part 1—To provide rules for the treatment of income from certain railroad rolling stock as income from sources within the U.S. (Bouma/Felton—ITC-Fogaras). | ITC, 12/12/80 Draft of notice to ITC and T.C. 1/22/81 Comments from T.C. | 2 |
| § 871, LR-9-80 | Inc. Tax—Part 1—Clarification of the computation of taxable income of dual status taxpayer (Feldman/Felton). | ITC, 8/28/80 Draft of notice to ITC and T.C. 10/3/80 Comments from T.C. | 3 |
| §§ 871, 881, 1441, 1442, LR-2043 | Inc. Tax—Part 1—Original issue discount (RA 1971, § 313) (Schreiner/Felton—ITC-Lainoff). | ITC, 7/12/78 Notice pub. 11/18/78 Hrg. held 1/28/81 Draft of T.D. to ITC and T.C. 4/17/81 Comments from T.C. | 1 |
| § 892, LR-110-80 | Inc. Tax—Part 1—Rules for determining whether loans or net leases are commercial activities (Kadue/Felton—ITC-Hannes). | LR, 7/22/80 Notice pub. 3/20/81 Final draft of T.D. ref'd. to LR for reconsideration. | 1 |
| §§ 897, 6039C, 6652, LR-30-81 | Inc. Tax—Part 6a—Temp. Regs.—Taxation of foreign investment in U.S. real property and information returns concerning foreign ownership of U.S. real property (Subtitle C of Title XI of the Omnibus Reconciliation Act of 1980 (P.L. 96-499) (Klein/Felton—ITC-Fogaras). | ITC and T.C. 7/31/81 Final draft of T.D. to ITC and T.C. | 1 |
| § 897, LR-130-81 | Inc. Tax—Part 6a—Temp. Regs.—Nonrecognition, reorganization, partnership, trusts, estate & REIT rules re. taxation of foreign investment in U.S. real property—Subtitle C of Title XI of the Omnibus Reconciliation Act of 1980 (Klein/Felton). | LR, in LR for prep of T.D. | 1 |
| § 901(f), LR-65-75 | Inc. Tax—Part 1—Certain payments for oil or gas not to be considered as taxes (TRA 1975, P.L. 94-12, §§ 275(a), 901, 601(b)) (Duffy/Blumkin—ITC-Hannes). | LR, 11/17/80 Notice pub. 5/23/81 Hrg. held in LR for prep of T.D. | 1 |
| §§ 901, 903, LR-100-78 | Inc. Tax—Part 1—To provide rules setting forth requirements for creditable foreign taxes (Bouma/Felton—ITC-Hannes). | LR, 6/20/79 Notice pub. 10/11/79 Hrg. held 11/17/80 Temp. Regs. T.D. 7739 pub. 11/17/80 Notice pub. 5/28/81 Hrg. held in LR for prep of T.D. | 1 |
| § 902, LR-196-75 | Inc. Tax—Part 1—To clarify rules for determining earnings & profits of a foreign corp. and amount of creditable foreign taxes (Schreiner/Felton—ITC-Hannes). | ITC and T.C. 2/28/81 Rev. draft of notice to ITC and T.C. | 1 |

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

| 1954 code section and file No. | Subject and draftsman and reviewer | Office in which pending and status | Priority |
|---|--|--|----------|
| § 904 (b)(2) and (3), LR-228-76..... | Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403 (c)(4), 701(c) (2) and (3)) (Feldman/Felton—ITC-Lainoff). | ITC and T.C., 9/10/81 Rev. draft of notice to ITC and T.C. | 1 |
| § 904(e), LR-11-77..... | Inc. Tax—Part 1—Transitional rules for carrybacks and carryovers of foreign taxes as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976 (Bouma/Felton—ITC-Lainoff). | CC, 5/14/81 Notice to CC for formal approval..... | 2 |
| § 904(f) LR-3-77..... | Inc. Tax—Part 1—Recapture of foreign losses (TRA 1976, § 1032) (Renfro/Felton—ITC-Hannes). | ITC, 9/29/80 Draft of notice to ITC and T.C., 4/22/81 Comments from T.C. | 1 |
| § 907, LR-70-75..... | Inc. Tax—Part 1—Limitation dealing with foreign tax credit for taxes paid in connection with foreign oil and gas income (TRA 1975, § 601; TRA 1976, § 1035) (Duffy/Blumkin—ITC-Hannes). | LR, 11/17/80 Notice pub. 5/29/81 Hrg. held in LR for prep of T.D. | 1 |
| §§ 936, 33, 931, 901(d), (g), 904(b), 243(b)(1), 246, 1504(b)(4), 48(a) (2)(B), 116(b)(2), 861(a)(2)(A), 6091(b)(2), LR-247-76..... | Inc. Tax—Part 1—Tax treatment of corps conducting a trade or business in Puerto Rico and possessions of the U.S. (TRA 1976, § 1051) (Banks/Felton—ITC-Fogaras). | ITC, 4/27/81 Draft of notice to ITC and T.C., 0/26/81 Comments from T.C. | 1 |
| § 936(D)(2), LR-106-77..... | Inc. Tax—Part 1—Definition of qualified possession source investment income for purposes of Puerto Rico and possession tax credit (TRA 1969, § 1051) (Banks/Felton—ITC-Fogaras). | Treas., 5/5/81 Notice to Treas. for formal approval..... | 2 |
| §§ 951, 954, 955, LR-68-75..... | Inc. Tax—Part 1—Current taxation of shipping profits of controlled foreign corps. except to extent such profits are reinvested in shipping operations (TRA 1975, § 602(d); TRA 1976, § 1024) (Klein/Saverude—ITC-Fogaras). | CC, 8/9/76 Notice pub. 8/22/77 Temp. Regs. T.D. 7503 published 6/23/81 T.D. to CC for formal approval. | 2 |
| §§ 951(a), 954(b)(1)(i), 955, LR-67-75..... | Inc. Tax—Part 1—Conforming regs. to certain amendments to subpart F (TRA 1975, P.L. 94-12, § 602(a)(3)(B) and (C) (other than (c)(6)) (Klein/Saverude—ITC-Fogaras). | CC, 2/9/78 Notice pub. 6/23/81 T.D. to CC for formal approval. | 2 |
| §§ 952, 995, 964, LR-234-76..... | Inc. Tax—Part 1—Denial of certain tax benefits in connection with payment of certain bribes (TRA 1976, §§ 1065, 1066(b)) (Banks/Felton). | ITC and T.C., 2/3/81 Notice pub. 8/10/81 Draft of T.D. to ITC and T.C. | 3 |
| § 956 (b)(2), LR-12-81..... | Inc. Tax—Part 1—For Taxable years beginning after December 31, 1953—Investment in U.S. property by controlled foreign corps. (Feldman/Felton—ITC-Fogaras). | Treas., 5/21/81 T.D. to Treas. for formal approval..... | 2 |
| § 960 (a)(1), LR-237-76..... | Inc. Tax—Part 1—Third tier foreign tax credit when sec. 951 applies (TRA 1976, § 1037) (Renfro/Felton). | Treas., 11/19/80 Notice pub. 6/17/81 T.D. to Treas. for formal approval. | 3 |
| §§ 993(d), 995(c), 751(c), 996(a)(2), LR-245-76..... | Inc. Tax—Part 1—Misc. DISC amdmnts. (TRA 1976, § 1101(c), (d), (e) and (g) (1)-(4)) (Bouma/Felton—ITC-Fogaras). | LR, 1/2/81 Notice pub. 7/27/81 Draft of T.D. ret'd to LR. | 2 |
| § 993, LR-92-77..... | Inc. Tax—Part 1—DISC—Definition of trade receivable (Act of 1971, § 501) (Feldman/Felton). | LR, 4/10/80 Notice to DED for formal approval..... | 2 |
| § 995, LR-246-76..... | Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales and incremental export gross receipts (TRS 1976, § 1101(a), (g)(1) and (5)) (Feldman/Felton—ITC-Fogaras). | Treas., 7/22/81 Notice to Treas. for formal approval..... | 1 |
| §§ 1040, 1015(d)(6), LR-214-76..... | Inc. Tax—Part 1—Various rules relating to carryover basis (TRA 1976, § 2005 (b), (c); Crude Oil Windfall Profit Tax Act 1980, § 401(c)(2)) (Small/Smith—TLC-Cunningham). | Tech, 8/24/81 Final draft of T.D. to Tech..... | 2 |
| §§ 1056, 1245, LR-222-76..... | Inc. Tax—Part 1—Basis limitation and recapture of depreciation on player contracts (TRA 1976, §§ 212 (a), (b), 1901(b)(11)(D), 1951(c)(2)(C), 2122(b)(3), 2124(a)(2)) (Keesler/Fischer—TLC-Krupsky). | TLC, 7/15/80 Rev. draft of notice to TLC and T.C., 8/26/80 Comments from T.C. | 3 |
| § 1058, LR-182-78..... | Inc. Tax—Part 1—Transfers of securities under certain agreements (P.L. 95-345, § 2) (Keesler/Fischer—TLC-Gallagher). | TLC and T.I., 8/19/81 Final draft of notice to TLC and T.I. | 2 |
| §§ 1092, 1256, 6653, 263(g), 1212, 1221, 1236, 1234A, LR-186-81..... | Inc. Tax—Part 50—Temp. Regs.—Straddles (ERTA 1981, §§ 501-509) (Wold/MacMaster). | LR, in LR for prep of T.D..... | 1 |
| §§ 1101, 1102, 1103, 311, 6151, 6158, 6503, 6601, LR-286-76..... | Inc. Tax—Part 1—Divestitures of assets by bank holding companies (P.L. 94-453) (Swift/Blumkin—TLC-Krupsky). | TLC, 12/27/78 Draft of notice to TLC and Tech, 3/27/79 Comments from Tech. | 3 |
| §§ 1201, 1202, LR-187-78..... | Inc. Tax—Part 1—Alternative tax on capital gains (RA 1978, §§ 401, 402, 403) (Flanagan/Coulter—TLC-Gallagher). | LR, in LR for prep of notice..... | 2 |
| § 1231(b), LR-129-80..... | Inc. Tax—Part 1—Inclusion of timber within the definition of "property used in the trade or business" (Tolleris/Coulter—TLC-Gallagher). | CC/JDS, 8/17/81 Notice to CC/JDS for formal approval. | 2 |
| §§ 1236, 1244, 1372, LR-180-78..... | Inc. Tax—Part 1—To include put and call options within the definitions of stock or securities (Ausness/Coulter). | TLC, 4/7/81 Draft of notice to TLC and Tech, 5/8/81 Comments from Tech. | 2 |
| § 1244(c)-2, LR-163-81..... | Inc. Tax—Part 1—Manner of computing capital receipts ceiling amount in transitional year (Thompson/Coulter). | TLC and Tech, 7/16/81 Draft of T.D. to TLC and Tech.. | 2 |
| §§ 1248, 751, LR-232-76..... | Inc. Tax—Part 1—Gain from sale or exchange of stock in foreign corps. (TRA 1976, §§ 1022, 1042 (b), (c)) (Renfro/Saverude—ITC-Hannes). | ITC, 10/1/79 Final draft of notice to ITC and T.C., 10/25/79 Comments from T.C. | 1 |
| § 1250, LR-131-76..... | Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2121(b), 2124(a)) (Thompson/Francis). | LR, in LR for prep of notice..... | 3 |
| § 1253, LR-1644..... | Inc. Tax—Part 1—Transfer of franchises; trademarks and trade names (TRA 1969, § 516(c)) (Tolleris/Coulter—TLC-Cunningham). | Tech, 7/15/71 Notice pub., 8/31/81 Final draft of revised notice fwd. for formal approval. | 2 |
| §§ 1254, 751(c), LR-276-76..... | Inc. Tax—Part 1—Gain from disposition of interest in oil or gas property (TRA 1976, §§ 205, 1901(a)(93)) (Ausness/Saverude—TLC-Schuldinger). | TLC and Tech, 6/11/80 Notice pub., 9/9/80 Hrg. held, 3/30/81 Rev. draft of T.D. to TLC and Tech. | 2 |
| § 1348, LR-156-76..... | Inc. Tax—Part 1—Maximum tax on personal service income (TRA 1976, § 302) (Keesler/Fischer—TLC-Roche). | LR, 5/6/77 Notice ret'd to LR for revision..... | 2 |
| § 1371, LR-4-73..... | Inc. Tax—Part 1—Treatment of obligations which purport to represent debt as a second class of stock (Woo/Saverude—TLC-Baneman). | TLC, 4/30/81 Rev. draft of notice to TLC and T.I., 6/18/81 Comments from T.I. | 2 |
| §§ 1371, 1372, LR-277-76..... | Inc. Tax—Part 1—Certain rules relating to shareholders of subchapter S corps. (TRA 1976 §§ 902 (a) and (c); 1901(a)(149)) (Saverude—TLC-Levinson). | TLC, 4/17/80 Notice pub., 10/8/80 Hrg. held, 3/11/81 Draft of T.D. to TLC and T.I., Comments from T.I. | 2 |
| §§ 1382-3, 1388-1, LR-268-79..... | Inc. Tax—Part 1—Distributions qualifying as patronage dividends (Kissel/Blumkin—TLC-Shakow). | TLC, 8/5/80 Draft of notice to TLC..... | 2 |
| §§ 1385, 1388, LR-1175..... | Inc. Tax—Part 1—Relating to tax treatment of per unit retain allocations (P.L. 89-809, § 211) (Parcell/Fischer—TLC-Shakow). | TLC, 4/11/74 Draft of notice to TLC and T.C., 1/26/76 Comments from T.C. | 3 |
| § 1441, LR-40-79..... | Inc. Tax—Part 1—To provide for a certification method of withholding on dividends paid to nonresident aliens (Renfro/Felton—ITC-Fogaras). | ITC, 2/20/81 Final draft of notice to ITC and T.C., 5/11/81 Comments from T.C. | 2 |
| § 1441, LR-165-78..... | Inc. Tax—Part 1—Personal services income of nonresident individuals (Kadue/Felton—ITC-Fogaras). | ITC and Tech, 8/11/81 Final draft of notice to ITC and Tech. | 2 |
| §§ 1491, 1057, LR-236-76..... | Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Klein/Felton—ITC-Krupsky). | ITC and T.C., 5/29/81 Draft of notice to ITC and T.C..... | 1 |
| § 1502, LR-1086..... | Inc. Tax—Part 1—Revision of regs. under sec. 1502 re. personal holding companies (Kissel/Blumkin—TLC-Brown). | LR, 7/5/79 Notice ret'd to LR for revision..... | 2 |
| § 1502, LR-140-73..... | Inc. Tax—Part 1—Misc. and tech. amendments to consolidated return regs. (Axelrod/Blumkin—TLC-Brown). | LR, 3/21/78 Notice ret'd to LR for revision..... | 2 |
| § 1502, LR-222-81..... | Inc. Tax—Part 1—Accelerated depreciation in investment adjustments (Axelrod/Blumkin). | LR, in LR for prep of notice..... | 1 |
| § 1502, LR-97-79..... | Inc. Tax—Part 1—Credit and deductions etc., for consolidated returns (Axelrod/Blumkin—TLC-Pike/Brown). | TLC and Tech, 8/31/81 Final draft of notice fwd. for formal approval. | 2 |

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

| 1954 code section and file No. | Subject and draftsman and reviewer | Office in which pending and status | Priority |
|---|--|---|----------|
| § 1502, LR-94-74 | Inc. Tax—Part 1—To provide consolidated return rules relating to life insurance companies subject to tax under Subch. I (Duffy/Blumkin—TLC-Brown/Pike). | TLC and T.C. 12/15/80 Draft of notice to TLC and T.C. | 1 |
| § 1502, LR-1386 | Inc. Tax—Part 1—Consolidated return regs.—Revision of regs. re. accumulated earnings tax (Whedbee/Blumkin—TLC-Brown). | TLC, 7/9/80 Notice pub., 9/12/80 Hrg. held, 8/25/81 Notice withdrawn, 5/14/79 Rev. notice pub., 10/31/79 Hrg. held, 11/30/79 Draft of T.D. to TLC and T.C., 12/14/79 Comments from T.C. | 3 |
| § 1502, LR-256-79 | Inc. Tax—Part 1—Consolidated return/Accumulated earnings tax—Earnings and profits when personal holding company is a member (Whedbee/Blumkin—TLC-Brown). | TLC, 12/26/79 Draft of notice to TLC and T.C., 2/4/80 Comments from T.C. | 2 |
| § 1502, LR-29-76 | Inc. Tax—Part 1—To reflect amdis. of consolidated return regs. to reflect Merchant Marine Act of 1970 concerning Merchant Marine and Fisheries Capital Construction Funds (Axelrod/Blumkin—TLC-Brown/Krupsky). | TLC, 2/27/81 Rev. draft of notice to TLC and T.C., 3/30/81 Comments from T.C. | 1 |
| § 1502-32, LR-113-77, RFA | Inc. Tax—Part 1—Consolidated return regs.—Investment adjustments (Axelrod/Blumkin—TLC-Brown). | LR, in LR for prep of notice | 2 |
| § 1502-42, LR-108-80 | Inc. Tax—Part 1—To modify the percentage bad debt deduction for thrift institutions that file consolidated returns (Axelrod/Blumkin—TLC-Brown/Pike). | LR, 1/30/81 Notice pub., 9/9/81 Hrg. to be held | 1 |
| § 1502-45, LR-75-79 | Inc. Tax—Part 1—At risk limitations of sec. 465 (Axelrod/Blumkin—TLC-Brown). | TLC, 12/27/79 Rev. draft of notice to TLC | 1 |
| § 1502-76, etc., LR-216-79 | Inc. Tax—Part 1—Filing of separate returns for period not included in a consolidated return (Kissel/Axelrod). | TLC, 8/24/80 Draft of notice to TLC and T.C., 7/27/81 Comments from T.C. | 2 |
| § 1502-80, LR-249-79 | Inc. Tax—Part 1—Guidance for methods of consolidation for taxable years before regs. became effective (Swift/Whedbee—TLC-Brown). | TLC, 12/31/80 Draft of notice to TLC and T.C., 2/24/81 Comments from T.C. | 1 |
| § 1504, LR-189-77 | Inc. Tax—Part 1—Includibility in an affiliated group of subsidiaries formed to comply with foreign laws (Swift/Whedbee). | TLC, 6/2/80 Rev. draft of notice to TLC and T.C., 10/31/80 Comments from T.C. | 1 |
| §§ 2001, 2010, 2011, 2012 (a), (e), 2013 (b), (e)(1), 2014(b)(2), 2035, 2038(a), 2044, 2052, 2104, 2105, 2101, 2102, 2205-2207, 2502, 2504, 2505, 2521, 6018, LR-212-76 | Est. and Gift Taxes—Parts 20 and 25—Unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions (TRA 1976, § 2001; Technical Corrections Act 1978, 107(a)(7)(F); ERTA 1981, §§ 401, 402, 424) (Grundeman/Smith—TLC-Woodward). | TLC, and T.J. 3/19/81 Draft of notice to TLC and T.J. | 2 |
| § 2031, LR-164-79 | Est. Tax—Part 20—Valuation of self-created art in an artist's estate (Coplan/Smith—TLC-Woodward). | LR, 12/24/80 Notice to DED for formal approval | 1 |
| § 2036(a), LR-181-76 | Est. and Gift Taxes—Parts 20 and 25—Inclusion of stock in estate where decedent retained voting rights (TRA 1976; RA 1978, § 702(f)) (Harman/Smith—TLC-Woodward). | TLC, 6/12/80 Draft of notice to TLC and T.C., 7/15/80 Comments from T.C. | 1 |
| § 2040, LR-180-76 | Est. Tax—Part 20—Fractional interest of spouse (TRA 1976, § 2002 (c), (d)(3); RA 1978, § 511; Technical Corrections Act 1979, § 105(a)(3)(A)) (Small/Waltuch—TLC-Woodward). | TLC and T.J. 10/30/80 Draft of notice to TLC and T.J. | 1 |
| §§ 2055(e), 2522, 170, LR-259-74 | Est. and Gift Taxes—Parts 20 and 25—Disallowance of charitable deduction—Extension of time within which to amend governing instruments in order to qualify as a charitable remainder annuity trust, unitrust or pooled income fund (P.L. 93-483, § 3; Pub. L. 94-455, § 13.04(a); RA 1978, § 514 (a), (b); Technical Corrections Act 1978, § 105(a)(4)) (Grundeman/Smith). | TLC and Tech, 12/19/75 Notice pub. 3/30/76 Hrg. held 11/28/79 Draft of T.D. to TLC and Tech. | 2 |
| §§ 2055(c)(1), 2523(a), LR-211-76 | Est. and Gift Taxes—Parts 20 and 25—Increase in limitations on marital deductions (TRA 1976, § 2002 (a), (b), (d) (1), (2)) (Harman/Smith—TLC-Woodward). | TLC and T.J. 11/7/80 Rev. draft of notice to TLC and T.J. | 3 |
| § 2057, LR-182-76 | Est. Tax—Part 20—Deduction for bequests to certain minor children (TRA 1976, § 2007, (Alexander/Smith—TLC-Woodward). | TLC and T.J. 10/31/80 Draft of notice to TLC and T.J. | 1 |
| §§ 2518, 2045, 2041(a)(2), 2055(a), 2056, 2504, LR-213-76 | Est. and Gift Taxes—Parts 20 and 25—Disclaimers (TRA 1976, § 2009(b); RA 1978, § 702(m)) (Waltuch/Smith—TLC-Woodward). | TLC and T.J. 7/22/80 Notice pub., 11/18/80 Hrg. held, 8/19/81 Final draft of T.D. to TLC and T.J. | 1 |
| §§ 2601-2603, LR-178-76 | Tax on certain generation-skipping transfers—Part 26—Imposition and amount of, and liability for, tax (TRA 1976, § 2006(a)) (Waltuch/Smith). | LR, in LR for prep of notice | 3 |
| §§ 2611-2614, LR-205-76 | Est. and Gift Tax—Part 26—Tax on certain generation-skipping transfers—Definitions and special rules (TRA 1976, § 2006(a); Technical Corrections Act 1979, § 107(a)(2)(B)) (Waltuch/Smith—TLC-Cunningham). | LR, 1/2/81 Notice pub., 5/20/81 Hrg. held, in LR for prep of T.D. | 1 |
| § 2621, LR-234-79 | Est. and Gift Tax—Part 26—Generation-Skipping transfers tax return requirement, etc. (TRA 1976, § 2006(a)) (Waltuch/Smith). | TLC, 8/5/80 Notice pub., 11/5/80 Hrg. held, 2/23/81 Draft of T.D. to TLC and T.J. 3/13/81 Comments from T.J. | 2 |
| § 2621, LR-169-81 | Est. and Gift Tax—Part 26a—Temp. Regs.—Generation-skipping transfers tax return requirements (TRA 1976, § 2006(a)) (Waltuch/Smith). | LR, 8/3/81 T.D. to DED for formal approval | 1 |
| §§ 2622, 2013(g), 691(c), 303(d), LR-202-76 | Inc. Tax—Est. Tax—Parts 1, 20, 26—Tax on certain generation-skipping transfers—Misc. Provs. relating to generation-skipping transfers (TRA 1976, § 2006(a)) (Clark/Smith). | LR, in LR for prep of notice | 3 |
| § 3121(f), LR-35-78 | Empl. Tax—Part 31—Soc. sec. tax on employers of individuals who receive income from tips (Soc. Sec. Amdis. of 1977, § 315) (Brennan—TLC-Goodman). | LR, 7/25/79 Notice ref'd. to LR for revision | 2 |
| § 3231(a), LR-38-80 | Empl. Tax—Part 31—To clarify the definition of "employer" for purposes of RRTA (Tolcis/Coulter—TLC-Goodman). | LR, in LR for prep of notice | 2 |
| § 3401(a)-1, (b), LR-74-77 | Empl. Tax—Part 31—To modify requirements with respect to sick pay (TRA 1976, § 505) (Wold/Coulter—TLC-Gallagher). | Treas., 7/8/81 Notice to Treas. for formal approval | 2 |
| § 3402(f), LR-50-81 | Empl. Tax—Part 31—Withholding exemption certificates (Form W-4) (Wold/Saverude—TLC-Gallagher). | TLC and Tech, 3/19/81 Notice pub., 6/2/81 Hrg. held, 7/10/81 Draft of T.D. to TLC and Tech. | 1 |
| § 3402(o), LR-157-80 | Empl. Tax—Part 31—To delete temp regs. and provide permanent regs. relating to extension of withholding to certain annuity payments (TRA 1969, § 805(g); Act of Dec. 24, 1980, § 4(d)) (Wold/Coulter—TLC-Gallagher). | TLC, 5/19/81 Notice pub., 7/31/81 Draft of T.D. to TLC and T.J. 8/6/81 Comments from T.J. | 2 |
| § 3402(o), LR-8-81 | Empl. Tax—Part 31—Extension of withholding to payments of sick pay made by third parties (P.L. 96-601, § 4) (Wold/Coulter—TLC-Gallagher). | LR, 5/1/81 Notice pub., 8/11/81 Hrg. held | 2 |
| § 3402(o), LR-264-76 | Empl. Tax—Part 31—Withholding on certain gambling winnings (TRA 1976, § 1207(d)) (MacMaster/Coulter—TLC-Gallagher). | Treas., 11/15/79 Notice pub., 2/26/80 Hrg. held 1/13/81 T.D. to Treas. for formal approval | 2 |
| §§ 4041(b), 4063, 4081, 4093, 4221, 6416, 6421, 6424, 6427, LR-173-78 | Exec. Tax—Various amdis. under the Energy Tax Act of 1978; §§ 221, 222, 231, 232, 233, 404; Rev. Act of 1978, § 701(f); Technical Corrections Act 1979, § 108(c)(5)) (Alexander/Waltuch—TLC-Schuldinger/Roche). | LR, 1/2/81 Notice pub. | 2 |
| §§ 4041(k), 4081(c), 6427(f), LR-84-80 | Mfgs. and Rlrs. Exc. Tax—Part 48—Exemption from motor fuels excise tax for certain alcohol fuels (Crude Oil Windfall Profit Tax Act 1980, § 232) (Clark/Smith—TLC-Pike). | TLC, 8/24/81 Awaiting TLC approval of notice | 2 |
| §§ 4041, 4042, 4054, 4058, LR-2118 | Exc. Tax—Applicable to articles sold on or after 7/1/65 (P.L. 89-44) (Alexander/Saverude—TLC-Roche/Schuldinger). | TLC and T.J. 10/22/80 Notice pub., 4/8/81 Hrg. held, 6/30/81 Draft of T.D. to TLC and T.J. | 3 |

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

| 1954 code section and file No. | Subject and draftsman and reviewer | Office in which pending and status | Priority |
|--|---|---|----------|
| §§ 4061, 4063, LR-2119 | Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (P.L. 89-44) (Small/Saverude—TLC-Pike). | TLC and Tech, 7/31/81 Notice fwd. for formal approval. | 3 |
| § 4064, LR-205-78 | Exc. Tax—Part 48—Gas guzzler tax (Energy Tax Act 1978, § 201) (Woo—TLC-Schuldinger). | TLC and T.I., 2/8/80 Notice pub., 6/19/80 Hrg. held 1/27/81 Draft of T.D. to TLC and T.I. | 1 |
| §§ 4071-4073, LR-2114 | Exc. Tax—Applicable to tires, etc. sold on or after 7/1/65 (P.L. 89-44) (Tolleris/Saverude—TLC-Pike). | LR, 12/4/80 Notice pub., 8/29/81 T.D. approved by Commr. | 3 |
| §§ 4081-4084, 4091-4092, 4101, 4102, LR-2117 | Exc. Tax—Applicable to gasoline and lubricating oil sold on or after 7/1/65 (P.L. 89-44) (Clark/Saverude—TLC-Rocha/Schuldinger). | Treas., 1/6/81 Notice to Treas. for formal approval. | 3 |
| § 4949-1(c), LR-152-80 | Exc. Tax—Part 51—To provide rules relating to base prices of tier 2 and tier 3 oil removed after 9/30/80 (Crude Oil Windfall Profit Tax Act 1980) (Stevenson/Bromell—TLC-Schuldinger/Gallagher). | LR, 9/30/80 Notice pub., 11/14/80 Rev. notice pub. 3/3/81 Hrg. held. | 1 |
| §§ 4986-4997, LR-48-80 | Exc. Tax—Part 51—Implementing the Crude Oil Windfall Profit Tax Act 1980 (Charnas/Bromell—TLC-Schuldinger/Gallagher). | LR, 4/4/80 Notice pub., 7/16/80 Hrg. held 11/5/80 Rev. notice pub. 12/11/80 2d Rev. notice pub. 1/19/81 3d Rev. notice pub. 2/23/81 4th Rev. notice pub. 6/18/81 Hrg. held. | 1 |
| § 4988(b), LR-64-80 | Exc. Tax—Part 51—Net income limitation under the Crude Oil Windfall Profit Tax Act 1980 (Stevenson/Bromell—TLC-Schuldinger/Gallagher). | TLC, T.C., T.I., 1/7/81 Notice pub., 6/16/81 Hrg. held, 8/18/81 Draft of T.D. to TLC, T.C. and T.I. | 1 |
| § 4989-1(c)(2), LR-142-80 | Exc. Tax—Part 51—To clarify the interim rule for determining base prices for tier 2 and tier 3 oil (Crude Oil Windfall Profit Tax Act 1980) (Bromell—TLC-Schuldinger/Gallagher). | LR, 9/24/80 Notice pub. | 1 |
| §§ 4991, 4994, 4995, LR-204-81 | Exc. Tax—Part 150—Temp. Regs.—Exempt royalty oil (ERTA 1981, § 601(b)) (Bromell). | LR, in LR for prep of T.D. | 1 |
| § 4992(c), LR-66-80 | Exc. Tax—Part 51—Independent producer oil allocations within a related group under the Crude Oil Windfall Profit Tax Act 1980 (Charnas/Saverude—TLC-Schuldinger/Gallagher). | TLC, 9/9/80 Draft of notice to TLC and T.C., 9/29/80 Comments from T.C. | 1 |
| § 4994(c), LR-68-80 | Exc. Tax—Part 51—Exempt front-end oil under the Crude Oil Windfall Profit Tax Act 1980 (Charnas/Bromell—TLC-Schuldinger/Gallagher). | LR, 12/5/80 Notice pub., 2/24/81 Hrg. held. | 1 |
| § 4995, LR-71-80 | Exc. Tax—Part 51—Withholding and depositing of windfall profit tax (Bromell—TLC-Schuldinger/Gallagher). | LR, 4/25/80 Notice pub., 7/16/80 Hrg. held. | 1 |
| §§ 6001-6427, 4181, 4181, LR-2115 | Exc. Tax—Part 52—Sporting goods and firearms and admin. provs. of special application to Mfrs. and Rtrs. Exc. Tax (Exc. Tax Reduction Act of 1965 and other subsequent legislation through Rev. Act 1971) (Alexander/Harman/Clark/Saverude—TLC-Hutton). | TLC and T.I., 5/20/81 Rev. draft of notice to TLC and T.I. | 3 |
| § 6001, LR-133-78 | Inc. Tax—Part 1—Conditions under which books and records of controlled foreign corps. and orgs. will be required to be maintained in the U.S. (Bouma/Felton—TLC-Fogaras). | LR, 1/23/81 Notice pub., 10/6/81 Hrg. to be held. | 2 |
| § 6013(g), (h), LR-71-79 | Inc. Tax—Part 1—To clarify the relationship of the joint return election and tax treaties (Klein/Felton). | Treas., 9/12/80 Notice pub., 2/12/81 T.D. to Treas. for formal approval. | 3 |
| § 6039, LR-49-80 | Inc. Tax—Part 1—To conform the regs. to amdmts. made by sec. 7 of P.L. 98-167 (Discontinuance of option reports) (Bosco/Fisher). | TLC, 7/8/80 Draft of T.D. to TLC and T.I., 7/31/80 Comments from T.I. | 3 |
| § 6045, LR-148-80 | Inc. Tax—Part 1—Information returns on barter transactions (Parcell/Fischer—TLC-Yecies). | TLC and T.I., 3/10/81 Draft of notice to TLC and T.I. | 1 |
| § 6103(i)(2), LR-3-81 | Proc. and Admin.—Part 301—To authorize additional disclosures of returns and return information (Dickinson—TLC-Krupsky). | TLC and E.O., 4/2/81 Draft of notice to TLC and E.O. | 3 |
| § 6103, LR-111-81 | Proc. and Admin.—Part 301—Disclosure of return information to Bureau of the Census (Dickinson—TLC-Krupsky). | Tech, 8/4/81 Final draft of notice to Tech. | 2 |
| §§ 6109, 6049, LR-139-80 | Inc. Tax—Part 1—Proc. and Admin.—Part 301—To require a resident having an interest in a nonresident alien's bank account to supply his SSAN (Tolleris/Coulter—TLC-Fogaras). | LR, 8/29/81 Notice approved by Commr. | 2 |
| §§ 6154, 6655, LR-140-78 | Inc. Tax—Part 1—Payment of estimated tax by corporations (Coulter—TLC-Yecies). | T.I., 3/29/79 Final draft of notice to TLC and T.I., 11/15/79 Comments from TLC. | 2 |
| §§ 6166, 6166A, LR-210-76 | Exc. Tax—Part 20—Proc. and Admin.—Part 301—Deferral and installment payment of estate tax (TRA 1976, § 2004(a); RA 1978, § 512) (Charnas/Bromell—TLC-Melton). | TLC; 5/30/80 Draft of notice to TLC and T.I., 7/25/80 Comments from T.I. | 2 |
| §§ 6324A, 2204(c), LR-209-76 | Est. Tax—Proc. and Admin.—Parts 20 and 301—Special lien for estate tax deferred under secs. 6166 and 6166A (TRA 1976, § 2004(d)) (Bromell—TLC-Melton). | TLC, 6/18/80 Draft of notice to TLC and Tech, 8/22/80 Comments from Tech. | 2 |
| § 6324(B), LR-201-78 | Est. Tax—Proc. and Admin.—Parts 20 and 301—Special lien for additional estate tax attributable to farm, etc. valuation (TRA 1976, § 2003(b)) (Stevenson/Bromell—TLC-Hutton). | TLC, 11/30/79 Draft of notice to TLC and T.I., Comments from T.I. | 2 |
| § 6325-1(b)(1)(i), LR-90-80 | Est. Tax—Part 20—Transfer certificates in nonresident estates (Alexander/Smith—TLC-Fogaras). | LR, 6/24/81 Notice pub. | 2 |
| §§ 6332, 7401, LR-1891 | Proc. and Admin.—Part 301—Enforcement of liens and levies upon a taxpayer's property held by a foreign office of a financial institution engaged in business in the U.S. or a possession of the U.S. (Alexander/Smith). | LR, 6/26/81 Notice to DED for formal approval. | 1 |
| § 6402(c), LR-188-81 | Proc. and Admin.—Part 304—Temp. Regs.—Offset of past-due support against overpayments (Omnibus Reconciliation Act of 1981, § 2331(b)) (Thompson/Saverude). | LR, in LR for prep of T.D. | 1 |
| § 6411, LR-45-79 | Inc. Tax—Part 1—Tentative refund of tax under claim of right adjustment (Rev. Act 1978, § 504) (Weinstein/Whedbee—TLC-Yecies). | LR, in LR for prep of notice. | 2 |
| § 6501, LR-204-78 | Inc. Tax—Part 1—Limitations on assessments and collection; To conform to sec. 212, RA 1978 (P.L. 95-600) (Stevenson/Francis). | TLC, 3/16/81 Draft of notice to TLC and T.I., 7/23/81 Comments from T.I. | 2 |
| § 6511, LR-94-80 | Proc. and Admin.—Part 301—To conform changes made by P.L. 95-628, § 8(a), relating to period of limitations for credit or refund with respect to net operating loss or capital loss carryback (Bennett/Fischer—TLC-Yecies). | TLC and T.I., 10/31/80 Draft of T.D. to TLC and T.I. | 3 |
| §§ 6601(i), 6161 (a), (b), 6163(b), 6503(d), 7403(a), 2011(c)(2), 2204 (a), (b), LR-188-78 | Est. Tax—Proc. and Admin.—Parts 20 and 301—Misc. procedural amendments relating to estate tax (TRA 1976, § 2004 (b), (c), (f); RA 1978, § 702(p)) (Stevenson/Bromell—TLC-Melton). | TLC, 11/30/79 Draft of notice to TLC and T.I., Comments from T.I. | 3 |
| § 6655(h), LR-29-81 | Inc. Tax—Part 6A—Temp. Regs.—Title XI of the Omnibus Reconciliation Act of 1980, § 1111—Relating to payment by large corps. of at least 60% of current tax year (Economic Recovery Tax Act of 1981, § 725) (Tolleris/Coulter—TLC-Yecies). | TLC and Tech, 2/20/81 Draft of T.D. to TLC and Tech. | 2 |
| § 7502, LR-1406 | Proc. & Admin.—Part 301—Amendment of regs. relating to the timely mailing of deposits (P.L. 90-364, § 106) (Bennett/Fischer—TLC-Yecies). | TLC, 12/11/79 Notice pub. 5/18/81 Rev. draft of T.D. to TLC and T.I. | 3 |
| §§ 7609, 7610, LR-164-76 | Proc. and Admin.—Part 301—Administrative summons (TRA 1976, § 1205) (Keesler/Fischer—TLC-Yecies). | TLC, 8/21/80 Notice pub. 12/15/80 Draft of T.D. to TLC and T.I., 1/2/81 Comments from T.I. | 3 |
| § 7701, LR-232-78 | Proc. and Admin.—Part 301—Classification of entities organized under Uniform Limited Partnership Act, as revised in 1976 (Haglund/Francis—TLC-Levinson). | TLC, 10/27/80 Notice pub., 3/20/81 Draft of T.D. to TLC and T.I., 5/22/81 Comments from T.I. | 2 |

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

| 1954 code section and file No. | Subject and draftsman and reviewer | Office in which pending and status | Priority |
|--------------------------------|--|---|----------|
| § 7701, LR-57-80 | Proc. and Admin.—Part 301—To modify the application of the classification rules to limited liability companies (Francis). | LR, 11/17/80 Notice pub. | 1 |
| LR-149-75 | Inc. Tax—Part 3—Maritime Capital Construction Fund (P.L. 91-469, § 601, Merchant Marine Act, 1935) (Axelrod/Blankin—TLC-Krupsky). | TLC, 1/23/76 Notice pub. 7/7/76 Hrg. held 6/6/80 Draft to T.D. to TLC. | 1 |
| LR-71-78 | Exc. Tax—Parts 16 and 17—(1939 Code) Vinson Act—Amdt. of T.D. 4906 and T.D. 4909—Recovery of excessive profits on Government contracts (Harman/Smith—TLC-Brown). | TLC, 10/26/79 Notice pub. 3/12/80 Hrg. held 7/11/80 Draft of T.D. to TLC and T.C. 10/24/80 Comments from T.C. | 1 |
| LR-202-81 | Inc. Tax—Part 5c—Temp. Regs.—Amortization deduction for motor carrier operating authority (ERTA 1981, § 265) (Coplan/Smith). | LR, in LR for prep of T.D. | 1 |
| LR-248-79 | Statement of Procedural Rules—1979-2 Periodic Amendments (Weinstein/Whedbee—TLC-Yeckes). | LR, in LR for prep of final draft. | 2 |

¹ Final reg. target date December 1981; draft regulatory flexibility analysis prepared.

² Draft regulatory analysis required; not yet prepared.

³ Draft regulatory analysis prepared.

PART II.—REGULATIONS UNDER DEVELOPMENT BY THE EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS DIVISION

| 1954 code section and file No. | Subject and draftsman and reviewer | Office in which pending and status | Priority |
|---|--|--|----------|
| § 46, EE-1-78 | Inc. Tax—Part 1—Employee stock ownership plan requirements for obtaining up to additional 15% investment credit (TRA 1976, § 803(d)) (Horowitz/Thrasher). | CC, 8/17/79 Notice pub. 8/18/81 T.D. to CC for formal approval. | 2 |
| §§ 46, 401(a), EE-4-78 | Inc. Tax—Part 1—Misc. provisions relating to employee stock ownership plans (TRA 1976, § 803(b) (2), (3), (c) and (d)) (Horowitz/Thrasher). | CC, 1/19/79 Notice pub. 6/28/79 Hearing held 8/18/81 T.D. to CC for formal approval. | 2 |
| §§ 120, 501(c)(20), EE-5-78 | Inc. Tax—Part 1—Prepaid legal expenses (TRA 1976, § 2134) (Kerby/McGovern—TLC-Krupsky). | TLC, 4/23/80 Notice pub. 9/4/80 Hrg. held 1/6/81 Preim. draft of T.D. to TLC and E 1/30/81 Comments fm E. | 1 |
| § 125, EE-16-79 | Inc. Tax—Part 1—Tax Treatment of Calcester Plans (Rev. Act of 1978 § 134) (Beker/Thrasher). | TLC and E: A, 4/15/80 Rev'd preim. draft of notice to TLC and E: A. | 1 |
| §§ 127, 3121(a)(18), 3401(a)(18), 3306(b)(13), EE-178-78 | Inc. Tax—Part 1—Educational Assistance Programs (Rev. Act of 1978 § 164) (Kerby/McGovern—TLC-Roches). | Treas., 8/28/81 Notice signed by commr. | 2 |
| §§ 62, 219, 220, 404(h), 408, 409, 2503, 3121, 3306, 4973, 4974, 6693, EE-7-78 | Inc. Tax—Part 1—Gift Tax—Part 25, Employment Taxes—Part 31, Retirement Income Plan Excise Taxes—Part 54, Procedure and Administration—Part 301—Spousal Individual Retirement Accounts, Simplified Employee Pensions, and Individual Retirement Account Technical Changes Act § 2002(a), (ERISA of 1974 (P.L. 93-406), §§ 1501 and 1503, TRA of 1976 (P.L. 94-455) §§ 152, 156(c), 156(d), and 157, Rev. Act of 1978 (P.L. 95-600), §§ 101(a)(10), 101(a)(14)(A), 101(a)(14)(B), and 101(a)(14)(E)(i), Tech. Corr. Act of 1979 (P.L. 96-222)) (Gibbs/Wickersham). | EE, 7/14/81 Notice pub. | 2 |
| §§ 263, 404, etc., EE-56-78 | Inc. Tax—Part 1—Capitalization of pension costs and other indirect costs attributable to self-constructed assets (Comm. v. Idaho Power Co., 418 U.S. 1 (1974)) (Horowitz/Marget—TLC-Krupsky). | TLC & T: C, 8/26/81 3rd preim. draft of notice to TLC & T: C. | 1 |
| §§ 401(a), 501(a), EE-39-78 | Inc. Tax—Part 1—Treatment of Puerto Rican retirement plans (P.L. 93-406, § 1022(f)) (Raps/Thrasher—ITC-Fogaras). | Commr., 6/24/81 Notice fwd to Commr. for signature. | 2 |
| § 401(a)(5), EE-8-78 | Inc. Tax—Part 1—Comparability of plans for vesting (ERISA, § 1012(b)) (Levontin/Wickersham). | TLC and E: A, 2/7/80 Rev. preim. draft of notice to TLC and E: A. | 3 |
| § 401-4(c), EE-11-78 | Inc. Tax—Part 1—To conform the "High 25 employee rule" to sec. 4022 of ERISA, "guaranteed benefits" (Rivera/Wickersham—TLC-Hovener). | Commr., 8/18/81 Notice to Commr. for signature. | 2 |
| §§ 401(k), 402(a)(8), EE-169-78 | Inc. Tax—Part 1—Certain cash or deferred arrangements (Rev. Act of 1978, § 135) (Gibbs/Wickersham). | Treas., 6/20/81 Notice signed by Commr. | 1 |
| §§ 402(a)(2), 402(e), 403(a)(2)(A)(iii), 411(d)(1), EE-14-78 | Inc. Tax—Part 1—Treatment of certain lump sum distributions (P.L. 93-406, § 2005), (TRA 1976, § 1512) (Levontin/Wickersham). | Commr., 4/30/75 Notice pub. 8/12/75 Hearing held 8/21/81 T.D. to Commr. for signature. | 2 |
| §§ 402(a)(5), (6), (7), 401(a)(20), 403(a)(4), (a)(5), (b)(1), (b)(8), 404(a)(2), 691(c)(5), 805(d)(1)(c), EE-15-78 | Inc. Tax—Part 1—Tax-free rollovers of lump sum distributions and plan termination payments. Lump sum distributions made with respect to a decedent (P.L. 94-267; P.L. 95-458, § 4; Rev. Act 1978, §§ 156 (a), (b), 157 (i), (j), (k)(1); Tech. Corr. Act 1979, § 101(a)(8)(A)) (Levontin/Wickersham). | TLC and E, 2/19/80 2nd rev. preim. draft of notice to TLC & E. | 2 |
| § 403(b)(7), EE-17-78 | Inc. Tax—Part 1—Taxability of beneficiary under annuity purchased by sec. 501(c) organization or public school (P.L. 93-406, § 1022(c); TRA 1976, § 1504) (Beker/Thrasher). | TLC and E, 2/10/78 Notice pub. 12/30/80 Partial rev. notice pub. 6/4/81 Hrg. held 6/23/81 Preim. draft of T.D. to TLC & E. | 2 |
| §§ 404 (a)(1), (a)(6), (a)(7), (a)(3)(A), and (g); 412(c)(2)(A); 413 (b)(7) and (c)(6), EE-141-79 | Inc. Tax—Part 1—Deduction limitations and funding rules for valuing certain agreements (P.L. 93-406, §§ 1013, 1014, 4081(b); P.L. 94-12, § 402) (Beker/Marget). | EE, in EE for prep of notice. | 2 |
| § 404 (d), (b), EE-44-79 | Inc. Tax—Part 1—Deferred Compensation payments to independent contractors (Rev. Act of 1978, § 113) (Berger/Thrasher). | TLC and E, 4/23/81 2nd preim. draft of notice to TLC & E. | 2 |
| §§ 404(g), 418A, EE-130-80 | Inc. Tax—Part 1—Deduction of Employer Liability Payments, Notice of Reorganization and Funding Requirements (Multi-employer Pension Plan Amendments Act 1980, §§ 205, 202) (P.L. 96-364) (Rivera/Wickersham). | EE, in EE for prep of notice. | 2 |
| §§ 409A, 48, 401, 6699, EE-49-80 | Inc. Tax—Part 1—With respect to requirements for ESOPs, Investment Credit ESOPs, and certain other plans holding employer securities (Horowitz/Thrasher). | Commr., 7/23/81 Notice fwd to Commr. for signature. | 2 |
| § 411(d)(1), EE-164-78 | Inc. Tax—Part 1—Coordination of vesting and nondiscrimination requirements for qualified plans (ERISA, § 1012(a)) (Maldonado/Wickersham). | EE, 4/19/80 Notice pub. 6/12/80 Partial rev. notice pub. 7/10/80 Hearing held, 8/12/80 Preim. draft of T.D. to TLC and E, 10/7/80 Comments fm TLC and E. | 2 |
| §§ 412, 413(b), (5), (6)(c)(4), (5), 4971(c)(4), EE-99-78 | Inc. Tax—Part 1—Excise Tax Regulations—Funding for qualified plans (ERISA, §§ 1013(a), 1014) (Horowitz/Marget). | E, 8/21/81 Notice fwd for formal approval. | 2 |
| § 412(c)(3), EE-151-80 | Inc. Tax—Part 1—Term, etc. funding for ancillary benefits (ERISA, § 1013(a), 3(31)) (Horowitz/Marget). | EE, in EE for prep of notice. | 2 |
| § 414(a), EE-22-78 | Inc. Tax—Part 1—Definitions and special rules; Service for predecessor (P.L. 93-406, § 1015) (Levontin/Wickersham). | TLC and E, 7/21/81 3rd preim. draft of notice to TLC and E. | 2 |
| § 414(e), EE-123-80 | Inc. Tax—Part 1—Church Plans (Multiemployer Pension Plan Amendments Act 1980, § 407 (b), (c)) (P.L. 96-364) (Berger/Marget). | EE, in EE for prep of notice. | 2 |
| § 414(m), EE-3-81 | Inc. Tax—Part 1—Employees of an Affiliated Service Group (Miscellaneous Revenue Act 1980, § 201 (P.L. 96-605); § 5 (P.L. 96-613)) (Maldonado/Wickersham). | EE, in EE for prep of notice. | 2 |
| § 418, EE-124-80 | Inc. Tax—Part 1—Reorganization Status (Multiemployer Pension Plan Amendments Act 1980, § 202) (P.L. 96-364) (Kerby-Accetturo/Wickersham). | EE, in EE for prep of notice. | 2 |

PART II.—REGULATIONS UNDER DEVELOPMENT BY THE EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS DIVISION—Continued

| 1954 code section and file No. | Subject and draftsman and reviewer | Office in which pending and status | Priority |
|---|---|---|----------|
| § 418B, EE-125-80..... | Inc. Tax—Part 1—Minimum Contribution Requirement, In General (Multiemployer Pension Plan Amendments Act 1980, § 202 (exc. sec. 418B(b)(3)) P.L. 96-364) (Maldonado-Gibbs/Wickersham). | EE, in EE for prep of notice..... | 2 |
| § 418B(b)(3), EE-126-80..... | Inc. Tax—Part 1—Minimum Contribution Requirement, —Special Rule where Cash-Flow Amount Exceeds Vested Benefits Charge (Multiemployer Pension Plan Amendments Act 1980, § 202) (P.L. 96-364) (Levanine/Wickersham). | EE, in EE for prep of notice..... | 2 |
| § 457, EE-176-78..... | Inc. Tax—Part 1—Deferred compensation plans of State and Local Governments (Rev. Act. 1978, § 131) (Kamikawa/McGovern—TLC-Hevenor). | Tech, 12/24/80 Notice pub., 5/5/81 Hearing Held, 8/6/81 T.D. fwd for formal approval. | 1 |
| §§ 501(c)(3), 170(c)(2)(B), 2055(a), 2522(a), EE-53-78..... | Inc. Tax—Part 1—Estate Tax—Part 20—Gift Tax—Part 25—Exemption of certain amateur athletic organizations from tax (Tax Reform Act of 1976, § 1313) (K. Johnson/Thrasher—TLC-Yecies) EE, 5/10/79 Notice pub. under LR-172-76, 10/9/79 Hearing held in EE for prep of T.D. | Commr., 8/19/81 Notice fwd to Commr. for signature..... | 3 |
| § 501(c)(7) and (i), EE-43-78..... | Inc. Tax—Part 1—Tax treatment of certain social clubs and prohibition of discrimination by certain social clubs (P.L. 94-568) (Berger/Thrasher—TLC-Yecies and Goodman). | Commr., 8/19/81 Notice fwd to Commr. for signature..... | 2 |
| § 501(e), EE-44-78..... | Inc. Tax—Part 1—Amdmt. of regs. to reflect the grant of tax exempt status to certain Hospital Service Orgs. (P.L. 90-364, § 109) (Becker/Thrasher—TLC-Yecies). | TLC, 8/31/78 Prelim. draft of notice to TLC and EPEO, 10/6/78 Comments rc'd fm EPEO. | 3 |
| § 501(h), 504, 4911, 170(f), EE-154-78..... | Inc. Tax—Part 1—Lobbying by public charities (TRA 1976, § 1307 (a), (b)) (G. Baker/McGovern—TLC-Yecies). | TLC and E, 7/29/81 4th prelim. draft of notice to TLC and E. | 3 |
| §§ 512, 514, 651, 4940, EE-146-78..... | Inc. Tax—Part 1—Excise Tax—Part 53, Treatment of income from payments with respect to securities loans (P.L. 95-345, § 2) (Kamikawa/McGovern—TLC-Sims). | TLC, 10/25/79 Prelim. draft of notice to TLC and E, 11/20/79 Comments fm E. | 3 |
| § 513(D), EE-155-78..... | Inc. Tax—Part 1—Activities of trade shows and state fairs (TRA 1976, § 1305) (Painter/Thrasher—TLC-Sims). | EE, 12/9/80 Notice pub., 4/22/81 Hrg. held, 7/21/81 Prelim. draft of T.D. to TLC and E, 8/6/81 Comments fm E, 8/10/81 Comments fm TLC. | 2 |
| § 513(e), EE-46-78..... | Inc. Tax—Part 1—Hospital services not to constitute an unrelated trade or business (TRA 1976, § 1311) (Kerby/McGovern—TLC-Sims). | TLC, 3/27/79 Prelim. draft of notice to TLC and EO, 4/9/79 Comments fm EO. | 2 |
| §§ 1379, EE-35-78..... | Inc. Tax—Part 1—Qualified pension, etc. plans of small business corps. (§ 531, TRA 1969) (Kamikawa/McGovern). | TLC and E, 5/6/72 Notice pub., 7/24/72 Conference held, 8/13/80 2nd rev. prelim. draft of T.D. to TLC and E. | 1 |
| § 4942, EE-69-80..... | Foundation Excise Tax—Part 53—Exclusion of future interest from the minimum investment return computation (G. Baker/McGovern—TLC-Baneman). | Treas., 8/28/81 Notice signed by Commr..... | 2 |
| § 4942(g)(2), EE-156-78..... | Foundation Excise Tax—Part 53—Private foundation set-asides (TRA 1976, § 1302) (Kerby/McGovern—TLC-Baneman). | EE, 8/26/80 Notice pub., 3/30/81 Prelim. draft of T.D. to TLC and E, 4/23/81 Comments fm E, 6/11/81 Comments fm TLC. | 3 |
| § 4943, EE-162-78..... | Foundation Excise Tax—Part 53—Taxes on excess business holdings of private foundations—Effect of reorganizations and corporate distributions (Rivera/Wickersham—TLC-Baneman). | TLC, 5/22/79 Notice pub., 8/16/79 Partial rev. notice pub., 9/6/79 Hrg. held, 11/13/80 3rd prelim. draft of T.D. to TLC and E, 12/2/80 Comments fm E. | 2 |
| §§ 6059, 6692, EE-27-78..... | Proc. and Admin.—Part 301—Periodic report of actuaries; and failure to file actuarial report (P.L. 93-406, § 1033) (G. Baker/McGovern). | Treas., 7/8/80 Notice pub., 11/12/80 Hrg. held, 6/17/81 T.D. signed by Commr. | 3 |
| § 6104(a), EE-28-78..... | Proc. and Admin.—Part 301—Inspection of certain information with respect to pensions, profit-sharing, and stock bonus plans (P.L. 93-406, § 1022(g)) (Accettura/McGovern). | EE, 12/30/80 Notice pub. in EE for prep of T.D..... | 2 |
| § 6211, EE-159-78..... | Proc. and Admin.—Part 301—Deficiency procedures, etc. relating to excise taxes imposed by Chapters 42 and 43 (Watkins/Wickersham—TLC-Yecies). | TLC and E, 8/25/80 Notice pub., 12/31/80 Prelim. draft of T.D. to TLC and E. | 3 |

PART III.—REGULATION PROJECTS UNDER WHICH EXISTING REGULATIONS ARE TO BE REVIEWED PURSUANT TO PARAGRAPH 12 OF TREASURY DIRECTIVE 50-04.F

| 1954 Code section and file no. | Subject and draftsman and reviewer | Office in which pending and status | Priority |
|--|---|--|----------|
| §§ 3, 4, 144, LR-249-76..... | Inc. Tax—Part 1—Tax tables for individuals (§§ 206, 301 (b), and (c), Rev. Act 1971; § 501, TRA 1976) (Haglund/Saverude). | LR, in LR for prep of notice..... | 2 |
| §§ 11, 21, LR-33-76..... | Inc. Tax—Part 1—Corporate tax rates & surtax exemptions (Rev. Adj. Act 1975, § 4; TRA 1976, § 901 (a), (c)(2)) (Saverude). | LR, in LR for prep of notice..... | 2 |
| §§ 104 (a), (b), 105(d), LR-159-76..... | Inc. Tax—Part 1—Changes in exclusion for sick pay and certain military, etc. disability pensions; Certain disability income (TRA 1976, § 505; TR&SA, § 301) (Parcell/Fischer—TLC-Krupsky). | TLC, 7/9/80 Notice pub. 11/12/80 Draft of T.D. to TLC and T.I., 12/16/80 Comments from T.I. | 2 |
| § 303, LR-124-76..... | Inc. Tax—Part 1—Distribution in redemption of stock to pay death taxes (TRA 1976, § 2004(e)) (Kissel/Blumkin). | TLC, 3/3/77 Draft of notice to TLC and T.C., 5/17/77 Approved by T.C. | 2 |
| §§ 368(a)(2)(F), 721, 722, 723, 683, LR-135-76..... | Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Swift/Blumkin—TLC-Rabinovitz/Krupsky). | LR, 1/7/81 Notice pub..... | 1 |
| § 512(a)(3), LR-1744..... | Inc. Tax—Part 1—Social clubs—Unrelated business income (TRA 1969, § 121(b)(1)) (Mix/Fischer). | TLC, 5/13/71 Notice pub. 8/31/71 Hrg. held 7/3/80 Rev. draft of T.D. to TLC. | 2 |
| §§ 548 (a)(1), (c)(1) (A) and (B), (c)(2), (e), 6032, LR-133-76..... | Inc. Tax—Part 1—Tax treatment of common trust funds (P.L. 94-414, § 1; 94-455; TRA 1976, §§ 2138(a), 1402(b), 1901(b), 2131(d)) (Schreiner/Coulter). | TLC, 9/22/80 Notice pub. 2/19/81 Hrg. held 5/7/81 Draft of T.D. to TLC and T.I. 6/17/81 Comments from T.I. | 2 |
| § 904(b) (2) and (3); LR-228-76..... | Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA, 1978, §§ 403(c)(4), 701(c) (2) and (3)) (Feldman/Felton—ITC-Lainoff). | ITC and T.C., 3/16/81 Rev. draft of notice to ITC and T.C. | 1 |
| § 904(e), LR-11-77..... | Inc. Tax—Part 1—Transitional rules for carrybacks and carryovers of foreign taxes as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976 (Bouma/Felton—ITC-Lainoff). | CC, 5/14/81 Notice to CC for formal approval..... | 2 |
| § 995, LR-246-76..... | Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales and incremental export gross receipts (TRA 1976, § 1101 (a), (g) (1) and (5)) (Feldman/Felton—ITC-Fogaras). | Treas., 7/22/81 Notice to Treas. for formal approval..... | 1 |
| § 1250, LR-131-76..... | Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2121(b), 2124(a)) (Thompson/Francis). | LR, in LR for prep of notice..... | 3 |
| § 1348, LR-156-76..... | Inc. Tax—Part 1—Maximum tax on personal service income (TRA 1976, § 302) (Kessler/Fischer—TLC-Roche). | LR, 5/6/77 Notice ret'd to LR for revision..... | 2 |
| §§ 1491, 1057, LR-236-76..... | Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Klein/Felton—ITC-Krupsky). | ITC and T.C., 5/29/81 Draft of notice to ITC and T.C..... | 1 |
| §§ 4041, 4042, 4054, 4058, LR-2118..... | Exc. Tax—Applicable to articles sold on or after 7/1/65 (P.L. 89-44) (Alexander/Saverude—TLC-Roche/Schuldinger). | TLC and T.I., 10/22/80 Notice pub. 4/8/81 Hrg. held 6/30/81 Draft of T.D. to TLC and T.I. | 3 |

PART III—REGULATION PROJECTS UNDER WHICH EXISTING REGULATIONS ARE TO BE REVIEWED PURSUANT TO PARAGRAPH 12 OF TREASURY DIRECTIVE 50-04.F—Continued

| 1954 Code section and file no. | Subject and draftsman and reviewer | Office in which pending and status | Priority |
|--|--|--|----------|
| §§ 4061, 4063, LR-2119 | Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (P.L. 89-44) (Small/Saverude—TLC-Pike). | TLC and Tech, 7/31/81 Notice fwd. for formal approval. | 3 |
| §§ 4071-4073, LR-2114 | Exc. Tax—Applicable to tires, etc. sold on or after 7/1/65 (P.L. 89-44) (Tolleris/Saverude—TLC-Pike). | LR, 12/4/80 Notice pub. 8/23/81 T.D. approved by Commr. | 3 |
| §§ 4081-4084, 4091-4092, 4101, 4102, LR-2117 | Exc. Tax—Applicable to gasoline and lubricating oil sold on or after 7/1/65 (P.L. 89-44) (Clark/Saverude—TLC-Rocher/Schuldingert). | Treas., 1/8/81 Notice to Treas. for formal approval | 3 |
| § 7502, LR-1406 | Proc. and Admin.—Part 301—Amendment of regs. relating to the timely mailing of deposits (P.L. 90-364, § 106) (Bennett/Fischer—TLC-Yecies). | TLC, 12/11/79 Notice pub. 5/18/81 Rev. draft of T.D. to TLC and T.I. | 3 |

PART IV.—REGULATIONS PROJECTS CLOSED BETWEEN MAR. 1, 1981, AND AUG. 31, 1981

| 1954 Code Section and file No. | Subject and drafter and reviewer | Disposition |
|--------------------------------|---|---|
| § 103A, LR-132-81 | Inc. Tax—Part 6a—Temp. Regs.—Mortgage subsidy bonds (§§ 1100-1103, Omnibus Reconciliation Act of 1980) (Flanagan/Coulter). | T.D. published in FR on 7-1-81. |
| § 108, LR-27-81 | Inc. Tax—Part 7a—Temp. Regs.—Relating to elections under the Bankruptcy Tax of 1980, sec. 7 (P.L. 96-583) (Kissel/Whebedco) (TLC-Cunningham). | T.D. published in FR on 5-6-81. |
| §§ 126, 1255, LR-217-80 | Inc. Tax—Part 1—Exclusion from income of certain cost-sharing payments under governmental programs (RA 1978, § 543) (Maz/Fischer—TLC-Krupsky). | T.D. published in FR on 5-21-81. |
| § 274(h), LR-260-76 | Inc. Tax—Part 1—Deductions for attending foreign conventions (TRA 1978, § 602) (Carney/Francis—TLC-Melton). | T.D. published in FR on 5-28-81. |
| § 385, LR-90-81 | Inc. Tax—Part Change in effective date (TRA 1969, § 415 (a)) (Levine/Blumkin—TLC-Baneman). | T.D. published in FR on 5-4-81. |
| § 408(f), EE-109-79 | Inc. Tax—Part 5—Temporary Regs. relating to reporting and disclosure requirements for simplified employee pensions (Rev. Act of '78, § 152 (b)) (P.L. 95-600) (Gibbs/Wickersham—TLC-Melton). | Project closed without regulations 8-28-81. |
| §§ 482, 493 LR-221-78 | Inc. Tax—Part 1—Imputed interest rates, (Schmaltz/Fischer—TLC-Baneman). | T.D. published in FR on 7-2-81. |
| § 509(a)(2), EE-45-78 | Inc. Tax—Part 1—Definition of a private foundation (P.L. 94-81, § 3) (Berger/Thrasher—TLC-Baneman). | T.D. published in FR on 7-23-81. |
| §§ 911, 913, LR-93-80 | Inc. Tax—Part 1—Foreign earned income—To reflect changes made by Technical Corrections Act of 1979 (P.L. 96-222); Act of Dec. 24, 1980 (P.L. 96-595); and Act of Dec. 28, 1980 (P.L. 96-603) (Kadue/Felton). | Project closed without regulations 8-24-81. |
| § 1244, LR-186-78 | Inc. Tax—Part 1—Amdmt. of Temp. Inc. Tax Regs. under ERISA—Part 11—Liberalization of rules relating to losses on small business stock (Rev. Act 1978, § 345; Tech. Corrections Act of 1979, § 103(a)(9)). | T.D. published in FR on 6-2-81. |
| § 1441, LR-2139 | Inc. Tax—Part 1—Withholding of income tax on payments to Virgin Island inhabitants (Banks/Felton—TLC-Fogaras). | T.D. published in FR on 5-21-81. |
| §§ 2032A, 2013(f), LR-131-80 | Est. Tax—Part 20—Valuation of certain farm, etc. real property (TRA 1976, § 2003 (a), (c)) (Grundeman/Smith—TLC-Melton). | T.D. published in FR on 8-26-81. |
| § 2514-3(e), LR-1942 | Est. and Gift Tax—Part 25—Transfers of life income interest by the life income beneficiary (Example (3)) (Waltuch/Smith—TLC-Cunningham). | T.D. published in FR on 5-21-81. |
| § 3402(f), LR-67-81 | Empl. Tax—Part 38—Withholding exemption certificates (Form W-4) (Wold/Saverude). | T.D. published in FR on 3-19-81. |
| § 3402(o), LR-7-81 | Empl. Tax—Part 31—To delete temp. regs. and provide permanent regs. relating to extension of withholding to certain annuity payments (TRA 1969, § 805(g); Act of Dec. 24, 1980, § 4(d)) (Wold/Coulter—TLC-Gallagher). | T.D. published in FR on 5-1-81. |
| § 4611, LR-47-81 | Exc. Tax—Part 57—Temp. Regs.—Environmental taxes—Imposition of tax on petroleum, chemicals and hazardous wastes (P.L. 96-510, §§ 211, 231) (Clark/Smith—TLC-Yecies/Fickowsky). | T.D. published in FR on 7-22-81. |
| § 6104(b), EE-160-78 | Proc. and Admin. Tax—Part 301—Procedures used for making returns filed by exempt organizations available for public inspection (Gibbs/Wickersham—TLC-Yecies). | T.D. published in FR on 7-28-81. |
| § 6205, LR-85-79 | Empl. Tax—Part 31—Interest-free adjustment where employer erroneously files Form 941 and pays FICA tax on employee's wages rather than FRTA tax (Tolleris/Coulter—TLC-Goodman). | T.D. published in FR on 7-23-81. |

Table of Abbreviations

Abbreviation and Meaning

ACTS or TX—Office of Assistant

Commissioner (Taxpayer Service and Returns Processing)

adj.—adjustment

admin.—administration

amdmnt.—amendment

appvd.—approved

C or Comm'r. or Comm.—Office of Commissioner

CC—Office of Chief Counsel

CC: I—Office of Chief Counsel Interpretive Division

co.—company

corp.—corporation

E or EPEO—Office of Assistant

Commissioner (Employee Plans and Exempt Organizations)

EE—Office of Chief Counsel, Employee Plans and Exempt Organizations Division

EO—Exempt Organizations Division

EP—Employee Plans Division

ERISA—Employee Retirement Income Security Act

est.—estate

exc.—excise

F.R.—Federal Register

fwd.—forwarded

govt.—government

hrg.—hearing

inc.—income

ITC—Office of International Tax Counsel (Treasury)

LR—Office of Chief Counsel, Legislation and Regulations Division

mfr.—manufacturer

misc.—miscellaneous

org.—organization

perm.—permanent

P.L. or Pub. L.—Public Law

P & R—Office of Assistant Commissioner (Planning and Research)

prelim.—preliminary

prep.—preparation

proc.—procedure

prop.—proposed

prov.—provision

pub.—published

RA—Revenue Act

rec'd—Received

reg.—regulation

repub.—republished

ret'd—returned

rdr.—retailer

rev.—revenue, revised, or review (depending on context)

sec. or §—section

soc. sec.—social security

subch.—subchapter

T or Tech.—Office of Assistant Commissioner (Technical)

T: C—Corporation Tax Division

T.D.—Treasury decision

temp.—temporary

T: I—Individual Tax Division

T: FP—Tax Forms and Publications Division

TLC—Office of Tax Legislative Counsel (Treasury)

T/P—taxpayer

TRA—Tax Reform Act

Treas.—Department of the Treasury

TR and SA—Tax Reduction and Simplification Act

TABLE OF ATTORNEYS

| Name | Telephone (area code 202) |
|------|------------------------------|
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Legislation and Regulations Division

| | |
|----------------------------|---------------|
| Alexander, Annie R..... | 566-3287 |
| Axelrod, Lawrence M..... | 566-3458 |
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| Baughman, Beverly A..... | 566-3297 |
| Bennett, Alice..... | 566-3238 |
| Bley, Robert A..... | 566-3331 |
| Blumkin, Marcus B..... | 566-3463 |
| Bosco, Philip..... | 566-3288 |
| Bouma, Herman..... | 566-3238 |
| Bromell, John B..... | 566-3326 |
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| Keosler, Patricia K..... | 566-3238 |
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| Weinstein, Yoramiel..... | 566-3458 |
| Whedbee, Charles M..... | 566-3458 |
| Wold, Barry L..... | 566-3288 |
| Woo, Walter H..... | 566-3297 |

Employee Plans and Exempt Organizations Division

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| Baker, Harry..... | 566-3544 |
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| Brown, Ida L..... | 566-4173 |
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| Haugen, Joan A..... | 566-3430 |
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| Lee, Gladis L..... | 566-3651 |
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| McGovern, James J..... | 566-4173 |
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| Raps, Eric A..... | 566-6212 |
| Rivera, Roberto..... | 566-3430 |
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| Toscano, Dwight N..... | 566-3341 |
| Watkins, Charles M..... | 566-3430 |
| White, Linda..... | 566-4551 |
| Wickersham, Richard J..... | 566-3250 |

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 81-4]

Federal Regulations; Semiannual Regulatory Agenda

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF); Treasury.

ACTION: General Notice; Semiannual Regulatory Agenda of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section five of Executive Order 12291, entitled "Federal Regulation," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive Order, within the next six months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

FOR FURTHER INFORMATION CONTACT:

For information about any particular regulatory project, contact the person listed in the second column, subheading "Contact," for that regulatory project.

For general information about this general notice, contact Armida Stickney.

Unless otherwise noted, the telephone number for all staff contacts is 202-566-7626 (not a toll-free number).

SUPPLEMENTARY INFORMATION:**General**

Section five of Executive Order 12291, requires that a semiannual agenda of regulations under development and review be published in the Federal Register. In addition, section 602 of the

Regulatory Flexibility Act contains a similar requirement.

The agenda is based on information available at the present time and, as a result, may not be all-inclusive. The next Semiannual Regulatory Agenda will be published in the Federal Register of Thursday, April 15, 1982.

This general notice is divided into two parts. Part I is entitled "Regulations under Development and Consideration," and Part II is entitled "Regulations under Review."

Regulatory projects listed under Part II are being reviewed either under the terms of Executive Order 12291 or under the terms of the ATF Regulatory Reform Program. The ATF Regulatory Reform Program has as its purpose the periodic review of each regulation to determine whether the regulation should be continued, revised, or eliminated.

Factors under review are as follows:

1. Need for the regulation;
2. Alternative method of achieving the regulatory purpose;
3. Public reaction to the regulation;
4. Burdens imposed by the regulation;
5. Possible simplification or clarification of the regulation;
6. Need to eliminate regulatory duplication; and
7. Change in social, economic, or technological conditions since the regulation was last evaluated.

All other regulatory projects are listed under Part I.

Both parts are set up in columnar form and are composed of the following divisions:

A. Title/Citation.

The first column briefly states the subject of the regulatory project and the affected CFR part of Title 27: Alcohol, Tobacco Products and Firearms. When the regulatory project comes under the purview of the Regulatory Flexibility Act, it will be annotated with a "(RFA)" in the title line.

B. Summary.

The second column includes—

1. **Description**—The objectives of the proposed or final regulation and need for the regulation.

2. **Legal basis**—The legal basis for the issuance of the regulation.

3. **Status**—If the status entry states "under development," it means that the regulatory project is being developed by agency staff for possible consideration by ATF and Treasury Officials.

If the status entry states "under consideration," it means that the regulatory project has been proposed and published in the Federal Register and is being evaluated (the FR citation will be stated). An approximate schedule for completing a final action on the notice of proposed rulemaking usually will be stated.

If the status entry states "under review by OMB," it means that the regulation project is subject to review under the terms of Executive Order 12291.

4. **Priority**—If the regulatory project is assigned the letter "A," it is considered top priority; a "B" regulatory project is considered high priority, and a "C" regulatory project is considered regular priority.

5. **Contact**—The name of the person to be contacted for additional information.

6. **Analysis**—If an analysis is required either under Executive Order 12291 or under the Regulatory Flexibility Act, a statement to that effect will appear. If an analysis is required under Executive Order 12291, the regulation project has been designated by OMB as "major."

If it is undetermined before the comment period closes on a notice of proposed rulemaking that an analysis is required under the Regulatory Flexibility Act, the statement "none anticipated under the RFA" will appear.

Following Part II are a list of Treasury decisions that have been published in the Federal Register since the previous agenda (46 FR 22133) was published in the Federal Register on April 15, 1981, and a table of abbreviations used throughout the agenda.

Issuance

By direction of the Secretary of the Treasury, this general notice reads as set forth below.

Signed: October 2, 1981.

G. R. Dickerson,
Director.

PART I.—REGULATIONS UNDER DEVELOPMENT AND CONSIDERATION

| Title and citation | Summary |
|--|---|
| Alcohol | |
| Multi-vintage Dates and Percentages for Wine under the FAA Act (RFA), 27 CFR Part 4. | <p><i>Description:</i> To provide for the labeling and advertising of vintage dates and the percentages of each vintage, which have been used to make a blended wine.</p> <p><i>Responds to a petition.</i></p> <p><i>Legal basis:</i> 27 U.S.C. 205.</p> <p><i>Status:</i> Under consideration (NPRM published August 5, 1981 (46 FR 39849); comment period ends November 3, 1981); final action scheduled for the winter of 1981.</p> <p><i>Priority:</i> C.</p> <p><i>Contact:</i> Roger Bowling.</p> |
| Vintage Wine, 27 CFR Part 4. | <p><i>Description:</i> To extend the eligibility for vintage labeling to Class 5, fruit wines.</p> <p><i>Responds to a petition.</i></p> <p><i>Legal basis:</i> 27 U.S.C. 205.</p> <p><i>Status:</i> Under development.</p> <p><i>Priority:</i> C.</p> <p><i>Contact:</i> Joan Deenwester.</p> |
| Vodka (RFA), 27 CFR Part 5. | <p><i>Description:</i> To clarify the standard of identity for vodka or the addition of another class and type of vodka.</p> <p><i>Responds to results of recent tests conducted by the ATF Laboratory and to concerns of the industry.</i></p> <p><i>Legal basis:</i> 27 U.S.C. 205.</p> <p><i>Status:</i> Under development.</p> <p><i>Priority:</i> C.</p> <p><i>Contact:</i> Joan Deenwester.</p> |
| Exemption of Bulk Containers and Form 5100.14 (RFA), 27 CFR Parts 4, 5, and 7. | <p><i>Description:</i> To exempt beer barrels and wine containers of 18 liters or more from the requirements of the ingredient labeling regulations; to provide a new Form 5100.14 (1649) which performs both functions of Form 1649 and Form 1649A.</p> <p><i>Eliminates ingredient information on bulk containers and packages which are rarely purchased by consumers; reduces the paperwork burden on industry and ATF by combining two forms into one form.</i></p> <p><i>Legal basis:</i> 27 U.S.C. 205.</p> <p><i>Status:</i> Under development.</p> <p><i>Priority:</i> A.</p> <p><i>Contact:</i> Roger Bowling.</p> |
| Foreign Appellations of Origin (RFA), 27 CFR Parts 4 and 12. | <p><i>Description:</i> To update names of geographical and viticultural significance; to provide for the listing of all foreign appellations of origin recognized by ATF for use on labels of imported wine.</p> <p><i>Augments existing regulations by providing a centralized source of information concerning foreign appellations of origin.</i></p> <p><i>Legal basis:</i> 27 U.S.C. 205.</p> <p><i>Status:</i> Under development.</p> <p><i>Priority:</i> C.</p> <p><i>Contact:</i> Roger Bowling or Joan Deenwester.</p> |
| Alcohol Fuels; Implementing a Portion of the Crude Oil Windfall Profit Tax Act of 1980, 27 CFR Part 19. | <p><i>Description:</i> To provide for the waiver of provisions of law and regulations for DSP's established solely to produce, process and store, and use or distribute distilled spirits exclusively for fuel use.</p> <p><i>Imposed by statute.</i></p> <p><i>Status:</i> This regulatory project is being incorporated into the regulatory project, entitled "Implementation of the Distilled Spirits Tax Revision Act of 1979" (listed under Part I) and is under consideration; T.D. with N. published June 20, 1980 (45 FR 41838); comment period ended October 20, 1980.</p> |
| Implementation of the Distilled Spirits Tax Revision Act of 1979, 27 CFR Parts 5, 13, 19, 170, 173, 194, 195, 196, 197, 200, 211, 212, 213, 231, 240, 250, 251, and 252. | <p><i>Description:</i> To eliminate the wine gallon method for imposing the distilled spirits tax and the rectification tax; to convert DSP's from the former distilled spirits tax system to an all-in-bond tax system; and to adopt other amendments from prior projects.</p> <p><i>Imposed by statute.</i></p> <p><i>Legal basis:</i> 26 U.S.C. Chapter 51, as amended.</p> <p><i>Status:</i> Under consideration (T.D. with N. published December 11, 1979 (44 FR 71612, 44 FR 71613); comment period ended December 1, 1980); T.D. targeted for publication in the FR in the winter of 1981.</p> <p><i>Priority:</i> A.</p> <p><i>Contact:</i> Edward Sheehan.</p> |
| Alternate Curtailment and Extension of Bonded Premises for Use as General Premises, 27 CFR Part 19. | <p><i>Description:</i> To provide operational flexibility to DSP proprietors; permits the expeditious curtailment and extension of bonded premises to permit the use of processing premises and equipment for either bonded or taxpaid operations.</p> <p><i>Status:</i> This regulatory project is being incorporated into the regulatory project, entitled "Implementation of the Distilled Spirits Tax Revision Act of 1979" (listed under Part I) and is under consideration; T.D. with N. published October 23, 1980 (45 FR 70251); comment period ended December 1, 1980.</p> |
| Reporting Taxes Due to the Governments of Puerto Rico and the Virgin Islands, 27 CFR Part 19. | <p><i>Description:</i> To change the reporting requirements for most Puerto Rican and Virgin Islands spirits bottled at domestic DSP's from the point these spirits enter the processing account to the point of tax determination; to require active coordination with the insular governments and with other Federal agencies involved with the transfer of tax revenues.</p> <p><i>Legal basis:</i> 26 U.S.C. 5555, 26 U.S.C. 5207.</p> <p><i>Status:</i> Under development.</p> <p><i>Priority:</i> A.</p> <p><i>Contact:</i> John Ference.</p> |
| Grape Brandy, 27 CFR Part 5. | <p><i>Description:</i> To consider a standard of identity for "varietal grape brandy," "vintage grape brandy," and designations for grape brandy viticultural areas.</p> <p><i>Responds to a petition.</i></p> <p><i>Legal basis:</i> 27 U.S.C. 205.</p> <p><i>Status:</i> Under development.</p> <p><i>Priority:</i> A.</p> <p><i>Contact:</i> James Hunt.</p> |
| Implementation of Pub. L. 96-598 (RFA), 27 CFR Parts 5, 13, 19, 197, 250, 251 and 252. | <p><i>Description:</i> To restore the tax system which existed for distilled spirits containing wine or alcoholic flavoring materials prior to the enactment of the Distilled Spirits Tax Revision Act of 1979; to permit spirits bottled for industrial purposes to be transferred in bond between DSP's.</p> <p><i>Imposed by statute.</i></p> |

PART I.—REGULATIONS UNDER DEVELOPMENT AND CONSIDERATION—Continued

| Title and citation | Summary |
|---|--|
| Credit to Retailers in Arrears, 27 CFR Part 6 | <p><i>Legal basis:</i> 26 U.S.C. 5010. <i>Status:</i> Under development. T.D. with N. targeted for publication in the FR in the winter of 1981/82. <i>Analysis:</i> None anticipated under the RFA. <i>Priority:</i> A. <i>Contact:</i> John A. Linthicum. <i>Description:</i> To consider what approach to take regarding repayment of indebtedness where producers and wholesalers have extended credit to retail liquor dealers in excess of the usual and customary credit period of 30 days. Revenue Ruling 54-162 does not adequately address the "red-house" relationship between wholesalers/producers and retail liquor dealers. <i>Legal basis:</i> 27 U.S.C. 205. <i>Status:</i> Under consideration (NPRM published November 6, 1980 (45 FR 73632); comment period ended February 4, 1981); T.D. targeted for publication in FR in the winter of 1981. <i>Priority:</i> A. <i>Contact:</i> Charles Bacon. <i>Description:</i> To implement Pub. L. 93-631 which permits withdrawal of wine without payment of tax from bonded wine cellars for transfer to customs bonded warehouses, and subsequent tax-free withdrawal, by foreign embassies, of wine so transferred. <i>Legal basis:</i> 26 U.S.C. 5362. <i>Status:</i> Under consideration (T.D. with N. published August 5, 1981 (46 FR 33312, 33953); retroactively effective April 1, 1981). <i>Priority:</i> A. <i>Contact:</i> Steve Simon. <i>Analysis:</i> None anticipated under the RFA. <i>Description:</i> To establish a new SDA formula as an alternative to SDA-3-A. <i>Status:</i> This regulatory project is being incorporated into the regulatory project, entitled "Formulas for Denatured Alcohol and Rum," (listed under Part II) and is under consideration; NPRM published January 30, 1981 (46 FR 9969); comment period ended March 31, 1981. <i>Description:</i> To provide for use of brand names that have geographical significance in relating to wines (e.g., viticultural areas). Responds to a petition. <i>Legal basis:</i> 27 U.S.C. 205. <i>Status:</i> Under development. <i>Priority:</i> B. <i>Contact:</i> Roger Bowling. <i>Analysis:</i> None anticipated under the RFA. <i>Description:</i> To allow distilled spirits bottlers to bottle distilled spirits in a 100-ml (3.4-fl. oz.) container for intrastate use only. Responds to a petition. <i>Legal basis:</i> 26 U.S.C. 5301; 27 U.S.C. 205. <i>Status:</i> Under consideration (T.D. with N. published June 19, 1981 (46 FR 32224); comment period ended September 17, 1981); final action scheduled for the winter of 1981. <i>Priority:</i> A. <i>Contact:</i> Charles Bacon. <i>Analysis:</i> None anticipated under the RFA. <i>Description:</i> To establish American viticultural areas for purposes of labeling and advertising wine. Responds to petitions. <i>Legal basis:</i> 27 U.S.C. 205. <i>Status and Contact:</i> Refer to the following list of petitioned American viticultural areas.</p> |
| Transfer of Wine to Customs Bonded Warehouses (RFA), 27 CFR Parts 240 and 252 | |
| New SDA Formula No. 3-C, 27 CFR Part 212 | |
| Geographic Brand Names (RFA), 27 CFR Part 4 | |
| 100-ml Container for Distilled Spirits (RFA), 27 CFR 19.632 | |
| Proposed Viticultural Areas, 27 CFR Part 9 | <p><i>Status and Contact:</i> Refer to the following list of petitioned American viticultural areas.</p> <p>Under development. (Charles Bacon.)</p> <p>Under consideration—NPRM published in the FR on August 28, 1981 (46 FR 43463); final action scheduled for the spring of 1982. (Charles Bacon.)</p> <p>Under consideration—NPRM published in the FR on October 27, 1980 (45 FR 70310); final action scheduled for October 1981. (Norman Blake.)</p> <p>Under consideration—NPRM published in the FR on November 6, 1980 (45 FR 72634); final action scheduled for October 1981.</p> <p>Under consideration—NPRM published in the FR on August 5, 1981 (46 FR 33352); comment period ends November 3, 1981; final action scheduled for spring 1982. (Norman Blake.)</p> <p>Under development. (Norman Blake.)</p> <p>Under consideration—NPRM published in the FR on March 17, 1980 (45 FR 17027); public hearing held May 2, 1981; final action scheduled for the winter of 1981. (Norman Blake.)</p> <p>Under consideration—NPRM published in the FR on December 15, 1980 (45 FR 82470); final action scheduled for the Autumn of 1981. (Roger Bowling.)</p> <p>Under development. (Roger Bowling.)</p> <p>Under consideration—NPRM published in the FR on October 27, 1980, (45 FR 70310); comment period ended December 26, 1980; final action scheduled for the autumn of 1981. (Roger Bowling.)</p> <p>Under development. (Joan Deenwester.)</p> <p>Under development.</p> <p>Under development. (Joan Deenwester.)</p> <p>Under consideration—NPRM published in the FR on April 9, 1981 (46 FR 21197); comment period ended June 8, 1981; final action scheduled for the winter of 1981. (John Ference.)</p> <p>Under consideration—NPRM published in the FR on April 3, 1981 (45 FR 31020); comment period ended July 13, 1981; final action in process. (John Ference.)</p> <p>Under development. (John Ference.)</p> <p>Under development. (John Ference.)</p> <p>Under consideration—NPRM published in the FR on December 15, 1980 (45 FR 82470); comment period ended February 13, 1981; final action in process. (John Ference.)</p> <p>Under development. (James Hunt.)</p> <p>Under development. (James Hunt.)</p> <p>Under development. (John Linthicum.)</p> <p>Under development. (John Linthicum.)</p> |
| Isle St. George, OH | |
| Lancaster Valley, PA | |
| Fennville, MI | |
| Finger Lakes, NY | |
| Leelanau Peninsula, MI | |
| Madera, CA | |
| Pinnacles, CA | |
| Santa Cruz Mountains, CA | |
| Lime Kiln Valley, CA | |
| Guenoc Valley, CA | |
| Monticello, VA | |
| Cole Ranch, CA | |
| Sonoma Chalk Hill, CA | |
| McDowell Valley, CA | |
| Shenandoah Valley, CA | |
| Shenandoah Valley, VA | |
| Monterey, CA | |
| North Coast, CA | |
| Rocky Knob, VA | |
| Russian River Valley, CA | |
| Hudson River Region, NY | |
| Temecula, CA | |

PART I.—REGULATIONS UNDER DEVELOPMENT AND CONSIDERATION—Continued

| Title and citation | Summary |
|---|--|
| Sonoma Valley, CA | Under consideration—NPRM published in the FR on December 15, 1980 (45 FR 82470); comment period ended February 13, 1981; final action scheduled for the winter of 1981. (John Linthicum.) |
| Central Delaware Valley, PA and NJ | Under development. (Steve Simon.) |
| Los Carneros, CA | Under consideration—NPRM published in the FR on December 15, 1980 (45 FR 82470), comment period ended February 13, 1981; final action scheduled for the autumn of 1981. (Steve Simon.) |
| Palcines, CA | Under consideration—NPRM published in the FR on August 6, 1981 (46 FR 40045); comment period ends November 4, 1981; final action scheduled for the spring of 1982. (Robert White.) |
| Cienega, CA | Under consideration—NPRM published in the FR on July 28, 1981 (46 FR 38536); comment period ends October 26, 1981; final action scheduled for the spring of 1982. (Robert White.) |
| Edna Valley, CA | Under consideration—NPRM published in the FR on April 9, 1981 (46 FR 21195); comment period ended June 8, 1981; final action scheduled for the autumn of 1981. (Robert White.) |
| Livermore Valley, CA | Under development. (Robert White.) |
| Green Valley of Sonoma, CA | Under development. (Robert White.) |
| Green Valley of Solano, CA | Under development. (Robert White.) |
| Suisan Valley, CA | Under development. (Robert White.) |
| Alexander Valley, CA | Under development. (James Whitley.) |
| Dry Creek Valley, CA | Under development. (James Whitley.) |
| | Priority: A. |
| | Analysis: An initial RFA analysis is anticipated on some NPRM's. |
| Procedures and Practices | |
| Electronic Fund Transfers of Alcohol and Tobacco Products Excise Taxpayments 27 CFR Parts 19, 70, 170, 240, 245, 270, and 275 (26 CFR Parts 301 and 601). | <p>Description: To require that certain taxpayers make their taxpayments by electronic fund transfers directly to financial institutions.</p> <p>Ensures maximum cash flow through the most efficient and cost-effective method of collecting excise taxes as close as possible to the time when taxes are due.</p> <p>Legal basis: 26 U.S.C. 5061(a), 5703(b), and 7805.</p> <p>Status: T.D. ATF-77 published January 13, 1981 (46 FR 2999); T.D. ATF-85 published June 1, 1981 (46 FR 29261); effective October 1, 1981.</p> <p>Priority: A.</p> <p>Contact: Armida Stickney.</p> <p>Analyses: Draft and final regulatory analyses were prepared under E.O. 12044.</p> |
| ATF Procedural Rules 27 CFR Parts 70 and 71 (26 CFR Parts 301 and 601). | <p>Description: To incorporate all of the ATF procedural requirements which appear in the Internal Revenue Service regulations, 26 CFR Parts 301 and 601, into 27 CFR Parts 70 and 71.</p> <p>Eliminates confusion and places all of the ATF procedural regulations into Title 27: Alcohol, Tobacco Products and Firearms.</p> <p>Legal basis: 26 U.S.C. 7805.</p> <p>Status: Under development.</p> <p>Priority: B.</p> <p>Contact: Steve Simon.</p> |
| Disclosure of Tax Return Information 27 CFR Part 71 | <p>Description: To implement Title XII of Pub. L. 94-455, relating to disclosure of tax return information. Imposed by statute.</p> <p>Legal basis: 26 U.S.C. 6103, as amended.</p> <p>Status: Under development.</p> <p>Priority: B.</p> <p>Contact: Armida Stickney.</p> |
| Incorporation by Reference 27 CFR Chapter I | <p>Description: To implement publication procedures on "incorporations by reference," as required by 1 CFR Part 51. ("Incorporation by reference" is material considered as published in the FR by a citation of that material which has been published elsewhere and which has the legal status afforded by 5 U.S.C. 552 (a).) Identifies clearly materials incorporated by reference and makes the regulations more responsive to the public by letting them know where to acquire materials they will need in order to comply with the regulations.</p> <p>Legal basis: 5 U.S.C. 552(a).</p> <p>Status: T.D. w/o N. approved by Treasury Officials.</p> <p>Priority: B.</p> <p>Contact: Armida Stickney.</p> |
| Paperwork Reduction Act of 1980 27 CFR Chapter I | <p>Description: To amend all recordkeeping and reporting requirements that collect information from the public; to require that all such reporting requirements receive OMB approval and clearance numbers.</p> <p>Imposed by statute.</p> <p>Legal basis: 44 U.S.C. Chapter 35 (Pub. L. 96-511).</p> <p>Status: Under development.</p> <p>Priority: A.</p> <p>Contact: Roger Bowling.</p> |

PART II.—REGULATIONS UNDER REVIEW

| Title and citation | Summary |
|--|--|
| Alcohol | |
| Ingredient Labeling for Wine, Distilled Spirits, and Malt Beverages, 27 CFR Parts 4, 5, and 7. | <p>Description: To reconsider the ingredient labeling requirements of T.D. ATF-66, published in the FR on June 10, 1980 (45 FR 40538). (T.D. ATF-66 becomes mandatory on January 1, 1983, and requires that all domestic and foreign manufacturers of alcoholic beverage disclose on their labels certain ingredient information or address where consumer may request disclosure information.)</p> <p>Under section seven of E. O. 12291, ATF is reconsidering T.D. ATF-66 to ensure that the potential benefits to society outweigh the potential costs to society.</p> <p>Legal basis: 27 U.S.C. 205.</p> <p>Status: Under consideration (NPRM published in FR on May 4, 1981 (46 FR 24962); comment period ended August 5, 1981); final action scheduled for the autumn of 1981.</p> <p>Priority: A.</p> <p>Contact: Norman Blake or Roger Bowling.</p> <p>Analyses: None anticipated under E. O. 12291. Final regulatory analysis prepared under E. O. 12044.</p> |
| Health Hazards related to Alcoholic Consumption, 27 CFR Parts 4, 5, and 7 | <p>Description: To monitor the efforts of the beverage alcohol industry in their public awareness campaign on health hazard issues relating to alcohol consumption, as an alternative to requiring health warning labels on beverage alcohol products.</p> <p>Legal basis: 27 U.S.C. 205(e).</p> <p>Status: Under consideration; final action undetermined.</p> <p>Priority: A.</p> <p>Contact: Michael Dressler at 202-566-7591.</p> |
| Advertising of Wine, Distilled spirits, and Malt Beverages, 27 CFR Parts 4, 5, and 7. | <p>Description: To modernize the advertising regulations under section 5(f) of the FAA Act. Identified for review under the ATF Regulatory Reform Program.</p> |

PART II—REGULATIONS UNDER REVIEW—Continued

| Title and Citation | Summary |
|---|--|
| Recodification of 27 CFR Parts 211 and 213 as 27 CFR Parts 20 and 22 | <p><i>Legal basis:</i> 27 U.S.C. 205. <i>Status:</i> Under consideration (Notice of hearing published in the FR on July 20, 1981 (46 FR 37282); hearings held in Washington, D.C., on September 9 and 10, 1981 (re: NPRM (45 FR 83530)); T.D. targeted for publication in the FR in the summer of 1982. <i>Priority:</i> A. <i>Contact:</i> Roger Bowling. <i>Description:</i> To liberalize qualification, bonding, the operational, recordkeeping, and reporting requirements imposed on users and dealers of specially denatured spirits and users of tax-free alcohol. <i>Identified for review under the ATF Regulatory Reform Program.</i> <i>Legal basis:</i> 26 U.S.C. 7805. <i>Status:</i> Under development. <i>Priority:</i> A. <i>Contact:</i> Norman Blake or John Luthicum. <i>Description:</i> To consider whether or not the regulatory provisions regarding the identity of wine, distilled spirits, and malt beverage products containing flavors that have been synthetically top-noted should be revised and clarified. <i>Identified for review under the ATF Regulatory Reform Act.</i> <i>Legal basis:</i> 27 U.S.C. 205. <i>Status:</i> Under development. <i>Priority:</i> C. <i>Contact:</i> John Ferenceo. <i>Analysis:</i> None anticipated under the RFA. <i>Description:</i> To revise the regulations pertaining to volatile fruit-flavor concentrates by simplifying and modernizing certain requirements; to eliminate those requirements not mandated by statute. <i>Identified for review under the ATF Regulatory Reform Program.</i> <i>Legal basis:</i> 26 U.S.C. 5511, 26 U.S.C. 5512, 26 U.S.C. 7805. <i>Status:</i> Under development. <i>Priority:</i> A. <i>Contact:</i> John Ferenceo or Jim Whitely. <i>Analysis:</i> None anticipated under the RFA. <i>Description:</i> To eliminate registration of liquor bottle manufacturers with ATF; to amend and redesignate the liquor bottle indicia requirements into pertinent CFR parts; and to simplify procedures for approval of distinctive liquor bottles. <i>Identified for review under the ATF Regulatory Reform Program.</i> <i>Legal basis:</i> 26 U.S.C. 5301 and 7805. <i>Status:</i> Under consideration (NPRM published in FR on September 2, 1981 (46 FR 44000); comment period ends December 1, 1981); final action scheduled for the summer of 1982. <i>Priority:</i> B. <i>Contact:</i> Robert White. <i>Description:</i> To delete references to the filing of claims for customs duties under 26 U.S.C. 5064 with the Commissioner of Customs; to update, clarify, and modernize various sections in the subpart; and to reissue and designate Subpart O. <i>Identified for review under the ATF Regulatory Reform Program.</i> <i>Legal basis:</i> 26 U.S.C. 5064 and 26 U.S.C. 7805. <i>Status:</i> Under development. T.D. w/o N. targeted for publication in the FR in the fall of 1981. <i>Priority:</i> C. <i>Contact:</i> James Whitely. <i>Description:</i> To eliminate two public use forms currently required of wholesale liquor dealers and importers. <i>Identified for review under the ATF Regulatory Reform Program.</i> <i>Legal basis:</i> 27 U.S.C. 5114. <i>Status:</i> NPRM approved by Treasury Officials. <i>Priority:</i> A. <i>Contact:</i> Norman Blake. <i>Description:</i> To modernize regulations relating to the production of vinegar by the vaporizing process; to eliminate unnecessary regulatory requirements not mandated by statute. <i>Identified for review under the ATF Regulatory Reform Program.</i> <i>Legal basis:</i> 26 U.S.C. 7805. <i>Status:</i> Under development. <i>Priority:</i> C. <i>Contact:</i> Joan Deenwester. <i>Analysis:</i> None anticipated under the RFA. <i>Description:</i> To update, clarify, simplify, and recodify regulations relating to obtaining drawback of tax on distilled spirits used in the manufacture of nonbeverage products. <i>Identified for review under the ATF Regulatory Reform Program.</i> <i>Legal basis:</i> 26 U.S.C. 5131-5134. <i>Status:</i> Under development. <i>Priority:</i> C. <i>Contact:</i> Steve Simon. <i>Description:</i> To update, clarify, simplify, and recodify the regulations relating to formulas of denatured alcohol and rum. <i>Identified for review under the ATF Regulatory Reform Program.</i> <i>Legal basis:</i> 26 U.S.C. 5241. <i>Status:</i> Under consideration (NPRM published in the FR on January 29, 1981 (46 FR 9644); comment period ended March 30, 1981); final action scheduled for the winter of 1982. <i>Priority:</i> C. <i>Contact:</i> Steve Simon. <i>Description:</i> To update, simplify, and clarify regulations relating to wine; to incorporate pertinent ATF Rulings. <i>Identified for review under the ATF Regulatory Reform Program.</i> <i>Legal basis:</i> 26 U.S.C. 7805. <i>Status:</i> Under development. <i>Priority:</i> B. <i>Contact:</i> Richard Mascolo. <i>Analysis:</i> None anticipated under the RFA. <i>Description:</i> To update, simplify, and clarify regulations relating to the production and taxpayment of beer. <i>Identified for revision under the ATF Regulatory Reform Program.</i> <i>Legal basis:</i> 26 U.S.C. 5051-5056, 26 U.S.C. 5401-5417. <i>Status:</i> Under development. <i>Priority:</i> B. <i>Contact:</i> Charles Bacon. <i>Analysis:</i> None anticipated under the RFA. <i>Description:</i> To allow the export of beer in bulk containers without payment of tax. <i>Identified for review under the ATF Regulatory Reform Program.</i></p> |
| Synthetically Top-noted Flavors or Flavoring materials (RFA) 27 CFR Parts 4, 5, and 7. | |
| Production of Volatile Fruit-flavor Concentrates (RFA) 27 CFR Part 18 | |
| Distilled Spirits Liquor Bottles 27 CFR Parts 19, 173, 194, 250, and 251 | |
| Processing and Payment of Claims for Customs Duties Submitted under 26 U.S.C. 5064 27 CFR Part 170 (Subpart O). | |
| Wholesale Liquor Dealer, Elimination of Public Use Forms 27 CFR Part 194, 250, and 251. | |
| Vinegar Regulations (RFA) 27 CFR Part 195 redesignated as Part of 27 CFR Part 19. | |
| Nonbeverage Drawback 27 CFR Part 197 | |
| Formulas for Denatured Alcohol and Rum 27 CFR Part 212 | |
| Recodification of Wine Regulations (RFA) 27 CFR Parts 170 (Subpart Z), 231, and 240 as 27 CFR Part 24. | |
| Recodification of Beer Regulations (RFA), 27 CFR Part 245 as 27 CFR Part 25. | |
| Export of Bulk Beer, 27 CFR Parts 245 and 252 | |

, PART II—REGULATIONS UNDER REVIEW—Continued

| Title and citation | Summary |
|---|--|
| Use of Alternative to Strip Stamps by Non-domestic Bottlers and Importers, 27 CFR Parts 250 and 251. | <i>Status:</i> This regulatory project is being incorporated into the regulatory project entitled "Recodification of Beer Regulations," (listed under Part II) and is under development. <i>Description:</i> To allow foreign, Puerto Rican, and Virgin Islands bottlers of distilled spirits and importers to use alternative devices instead of strip stamps. Identified for review under the ATF Regulatory Reform Program. <i>Status:</i> This regulatory project is being incorporated into the regulatory project, entitled "Implementation of the Distilled Spirits Tax Revision Act of 1979," (listed under Part I) and is under consideration; NPRM published in the FR on November 7, 1980 (43 FR 51808). |
| U.S. Customs Certification on Distilled Spirits from Puerto Rico, 27 CFR Part 250. | <i>Description:</i> To change the customs certification on distilled spirits entering the United States from Puerto Rico. Identified for review under the ATF Regulatory Reform Program. <i>Legal basis:</i> 26 U.S.C. 7805. <i>Status:</i> Under development. <i>Priority:</i> A. <i>Contact:</i> James Hunt or Robert White. |
| Procedures and Practices | |
| Losses Resulting from Disaster, Vandalism, or Malignant Mischief, 27 CFR Part 170 (Subpart O redesignated) as 27 CFR Part 29 (Subpart A). | <i>Description:</i> To streamline the processing of claims for customs duties and other miscellaneous amendments. Identified for review under the ATF Regulatory Reform Program. <i>Legal basis:</i> 26 U.S.C. 5064 and 26 U.S.C. 7805. <i>Status:</i> Under development. T.D. w/o N. targeted for publication in the FR in the fall of 1981. <i>Priority:</i> C. <i>Contact:</i> James Whitley. |
| Tobacco Products | |
| Shipment of Tobacco Articles from Puerto Rico to the United States (RFA), 27 CFR Part 275. | <i>Description:</i> To eliminate U.S. Customs Service involvement on shipment of Puerto Rican tobacco products to the United States; to eliminate direct ATF supervision of tobacco product shipments from Puerto Rico. Identified for review under the ATF Regulatory Reform Program. <i>Legal basis:</i> 26 U.S.C. 7651. <i>Status:</i> Under development. <i>Contact:</i> John Linthicum. <i>Priority:</i> B. <i>Analysis:</i> None anticipated under RFA. |
| Manufacturer's Identification on Tobacco Products Packages (RFA), 27 CFR Parts 270, 290, and 295. | <i>Description:</i> To liberalize requirements relating to the manufacturer's identification on tobacco product packages; and to permit additional means of identification. Identified for review under the ATF Regulatory Reform Program. <i>Legal basis:</i> 26 U.S.C. 5723. <i>Status:</i> Under development. <i>Priority:</i> C. <i>Contact:</i> Steve Simon. |

LIST OF TREASURY DECISIONS PUBLISHED AFTER MARCH 15, 1981, AND BEFORE SEPTEMBER 15, 1981

| Title and citation | Document and effective date |
|---|---|
| Markings on Packages of Large Cigars 27 CFR Parts 270, 275, and 290 | Treasury Decision ATF-80 published in the FR on March 24, 1981 (46 FR 18309). Effective: April 23, 1981. |
| Increase of Appraiser's Fees 27 CFR Part 72 | Treasury Decision ATF-81 published in the FR on March 25, 1981 (46 FR 18536). Effective: March 25, 1981. |
| Markings on Cases of Liquors for Export 27 CFR Part 252 | Treasury Decision ATF-82 published in the FR on April 9, 1981 (46 FR 21157). Effective: May 11, 1981. |
| Determination of Color in White Wine and Treatment of Sherry with Activated Carbon 27 CFR Part 240. | Treasury Decision ATF-83 published in the FR on May 8, 1981 (46 FR 25610). Effective: June 8, 1981. |
| Appellation of Origin 27 CFR Part 4 | Treasury Decision ATF-84 published in the FR on June 1, 1981 (46 FR 29260). Effective: July 1, 1981. |
| Use of 100-ml Containers for Distilled Spirits 27 CFR Part 19 | Treasury Decision ATF-86 published in the FR on June 19, 1981 (46 FR 32224). Effective: June 19, 1981 (T.D. with N.). |
| Amendments to Explosive Materials Regulations 27 CFR Part 181 as 27 CFR Part 55. | Treasury Decision ATF-86 published in the FR on August 7, 1981 (46 FR 40382). Effective: September 8, 1981, except for provisions in Subpart K, which are mandatory after August 9, 1982. |
| Transfer of Wine, without Payment of Tax, to Customs Bonded Warehouses for Embassy Removals and Other Purposes. | Treasury Decision ATF-88 published in the FR on August 5, 1981 (46 FR 39182). Effective: Retroactive to April 1, 1981 (T.D. w/ N.). |
| American Viticultural Area: Santa Maria Valley, CA 27 CFR Part 9 | Treasury Decision ATF-89 published in the FR on August 5, 1981 (46 FR 39811). Effective: September 4, 1981. |
| American Viticultural Area: San Pasqual Valley, CA 27 CFR Part 9 | Treasury Decision ATF-90 published in the FR on August 17, 1981 (46 FR 41492). Effective: September 10, 1981. |

TABLE OF ABBREVIATIONS

| Abbreviation | Meaning |
|--------------|--|
| ANPRM | Advance notice of proposed rulemaking. |
| ATF | Bureau of Alcohol, Tobacco and Firearms. |
| CFR | Code of Federal Regulations. |
| DSP | Distilled spirits plant. |

TABLE OF ABBREVIATIONS—Continued

| Abbreviation | Meaning |
|--------------|-------------------------------------|
| E.O. | Executive Order. |
| FR | Federal Register. |
| FAA Act | Federal Alcohol Administration Act. |
| OMB | Office of Management and Budget. |
| NPRM | Notice of proposed rulemaking. |
| Pub. L. | Public Law. |
| RFA | Regulatory Flexibility Act. |
| T.D. | Treasury decision. |

TABLE OF ABBREVIATIONS—Continued

| Abbreviation | Meaning |
|--------------|--|
| T.D. with N | [Temporary] Treasury decision with notice. |
| T.D. w/o N | Treasury decision without notice. |
| Treasury | Department of the Treasury. |

[FR Doc. 81-29758 Filed 10-14-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE TREASURY**Office of the Secretary****31 CFR Chapter I****Semiannual Agenda**

AGENCY: Office of the Secretary, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of Pub. L. 96-354, September 19, 1980, the "Regulatory Flexibility Act," and Executive Order 12291, February 17, 1981, "Federal Regulation," which require the publication of a semiannual agenda of regulations under development or review. The Office of the Secretary has five regulations projects currently under development, two by the Office of Revenue Sharing, two by the Office of the Director of Practice, and one by the Office of Disclosure.

FOR FURTHER INFORMATION CONTACT: For additional information about a regulation contained in the agenda, contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: Office of Revenue Sharing.

Past Regulatory Projects

In the semiannual agenda of April 15, 1981 (46 FR 22139), the Office of Revenue Sharing ("ORS") designated three regulation projects under development:

(1) The first set of regulations was necessary to conform existing rules to the 1980 Revenue Sharing amendments (P.L. 96-604). Proposed regulations were published on July 22, 1981 (46 FR 37717) and published in final form on September 30, 1981 (46 FR 48034) to be effective on October 30, 1981. These regulations were not deemed major under Executive Order 12291 and a regulatory analysis was not prepared. Similarly, the regulations were found not to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act of 1980 and a regulatory flexibility analysis was not prepared.

(2) The second regulations project involved an overall revision of 31 CFR Part 51. Proposed regulations were published on December 31, 1979, followed by final regulations on September 30, 1981 (46 FR 48034). Because the revisions were primarily technical and clarifying in nature, no

analysis was undertaken under either the Regulatory Flexibility Act or Executive Order 12291.

(3) Final Rules implementing Section 504 of the Rehabilitation Act of 1973 (as amended) published on January 5, 1981 (46 FR 1120) did not become effective as published due to the decision to review the regulations under Executive Order 12291. On August 14, 1981, however, ORS published a notice in the Federal Register (46 FR 41047) giving interim effect to the January 5 regulations, with the exception of certain administrative provisions, and one substantive provision relating to local zoning authority. A regulatory analysis was prepared for the President's Task Force on Regulatory Relief.

Regulatory Projects To Be Completed This Year

(1) Pursuant to the requirements of the Age Discrimination Act of 1975, ORS published proposed amendments under the 1975 Act on December 31, 1979 (44 FR 77356) as part of the overall revision of the revenue sharing regulations. Final regulations were drafted and are presently under review by the Department of Health and Human Services. These regulations are not deemed to be major under Executive Order 12291, and a regulatory analysis is not expected to be prepared.

(2) The handicapped discrimination regulations currently in interim form are expected to be revised and reissued at some time during the current fiscal year. The guidelines on which these regulations are patterned (45 CFR Part 85) have been withdrawn by the Department of Justice, (46 FR 40687). New guidelines are expected to be issued in the near future, and ORS will thereafter propose revised regulations based upon the new guidelines.

These amendments to the Revenue Sharing regulations, to appear at 31 CFR Part 51, are to be issued under the authority of 5 U.S.C. 1221 et seq.

For further information, contact Richard S. Isen, Chief Counsel (Designate) or Jacqueline L. Jackson, Attorney-Advisor, office of Revenue Sharing, (202) 634-5182.

Office of the Director of Practice

On September 4, 1980, the General Counsel published for public comment proposed standards relating to opinions by IRS practitioners used in the promotion of tax shelters. A public

hearing on the proposed regulations was held on November 25, 1980.

Review of written comments and testimony has been completed. However, the regulations are now being reviewed in light of Opinion 346, issued by the American Bar Association, which sets forth general ethical guidelines applicable to attorneys issuing tax shelter opinions. These regulations are not deemed to be major under Executive Order 12291, and therefore no regulatory analysis will be prepared. A Regulatory Flexibility Act analysis is not required as the proposed rules were issued prior to the effective date of the Act.

Additionally, the Office of the Director of Practice is in the process of revising its current regulations, which are limited to practice before the IRS and ATF, to include practice before the entire Treasury Department.

These regulations projects, to appear in 31 CFR Parts 8 and 10, are to be issued under the authority of 5 U.S.C. 1026.

For further information with respect to these projects, contact Leslie S. Shapiro, Director of Practice, (202) 376-0767.

Office of Disclosure

Revision of existing Department of Treasury disclosure regulations implementing the provisions of the Freedom of Information and Privacy Acts has been undertaken. A review of existing Departmental procedures has disclosed that a number of different interpretations have been used in formulating guidelines and directives in each of the respective bureaus.

The proposed amendments are intended to facilitate and simplify public requests for information, and to assure accurate and consistent application of policies and procedures throughout the Department. These amendments will revise 31 CFR Part 1.1 and are to be issued under the authority of 5 U.S.C. 552, and 552a.

For further information with respect to this project, contact Phyllis A. DePiazza, Departmental Disclosure Officer, (202) 376-1577.

Dated: October 9, 1981.

By direction of the Secretary of the Treasury.

Peter J. Wallison,
General Counsel.

[FR Doc. 81-23907 Filed 10-14-81; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF THE TREASURY**Bureau of Government Financial Operations****31 CFR Ch. II****Semiannual Agenda**

AGENCY: Bureau of Government Financial Operations, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of Pub. L. 96-354, September 19, 1980, the "Regulatory Flexibility Act," and Executive Order

12291, February 17, 1981, "Federal Regulation," which require the publication of a semiannual agenda of regulations under development or review. The Bureau of Government Financial Operations has one regulation under development.

FOR FURTHER INFORMATION CONTACT:

John O. Turner, Assistant Commissioner, Disbursing and Claims, (202) 566-2392.

SUPPLEMENTARY INFORMATION: The proposed rule would amend 31 CFR 240 to permit Treasury to make set-offs on reclamations due from financial

organizations. The work plan was approved on March 23, 1981.

The proposed regulation is not considered to be a major regulation within the meaning of E.O. 12291 and will not have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act. Accordingly, a regulatory analysis will not be prepared.

Dated: October 9, 1981.

By direction of the Secretary of the Treasury.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-29900 Filed 10-14-81; 8:45 am]

BILLING CODE 4810-35-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41, FR 32914, August 6, 1976.)

| Monday | Tuesday | Wednesday | Thursday | Friday |
|-----------------|-----------|-----------|-----------------|-----------|
| DOT/SECRETARY | USDA/ASCS | | DOT/SECRETARY | USDA/ASCS |
| DOT/COAST GUARD | USDA/FNS | | DOT/COAST GUARD | USDA/FNS |
| DOT/FAA | USDA/REA | | DOT/FAA | USDA/REA |
| DOT/FHWA | MSPB/OPM | | DOT/FHWA | MSPB/OPM |
| DOT/FRA | LABOR | | DOT/FRA | LABOR |
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| DOT/SLSDC | | | DOT/SLSDC | |
| DOT/UMTA | | | DOT/UMTA | |
| CSA | | | CSA | |

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing October 9, 1981

